

# THE CASE FOR COMMON LAW MARRIAGE

How to Marry without a State License



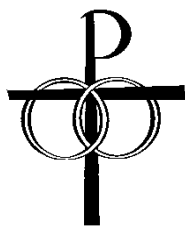
*How to Create You Own Lawful Marriage Contract*

**B r o o k y   R   S t o c k t o n**

# The Case for Common Law Marriage

Creating a Marriage Contract Under the Common Law

Version 1.0



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# Preface

When I got married, I kicked my mother-in-law out of the bedroom -- figuratively speaking. [Actually I had the best mother-in-law in the whole world, but this not the point.]

Isn't it time to kick the anti-Christ, baby-killing, Sodomite, Lesbian State out of marriages and for Christians to learn how to write their own Biblical marriage contracts?

All marriages involve a written contract. If there is no contract, there is no marriage. If you don't know how to write your own marriage contract, you are not mature enough to get married.

Learn how to write your own marriage contract and to get married without a State marriage license.

Christian got married without permission from the State for six thousand years, but they did not get married without a written, signed agreement.

Christian marriages involve three parties: a man, a woman, and God.

When Christ is part of the marriage agreement, it is called a covenant.

Study this booklet and you can learn to write your own marriage contract and create a covenant with the Lord Jesus Christ as your benefactor.

Pastor Brooky Stockton, Ph.D.

# Dedication

## I Love You

You're huggable and kissable

You're lovable and sweet

You're beautiful and bright,

And you sweep me off my feet.

You're charming and disarming

You're faithful and true.

You love me and inspire me

And that's why I love you.

*By Brooky Stockton to Jo Ann, My Lovely Wife*



# Acknowledgments

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# The Marriage Contract



When a woman marries a Christian man she comes under his coverture.

Historically, a woman had no independent legal existence of her own, in keeping with society's expectation that her husband was to provide for her and protect her. Under coverture a woman became a feme covert, whose legal rights and obligations were mostly subsumed by those of her husband (Wiki).

In modern times, a woman can boss her husband, cancel out his vote, kick him out of the house, divorce him and get 50% + of his assets, obtain welfare from the state, tattoo herself without her husband's permission, and even murder his baby with no consequence. And, this is called "progress?"



# 1. Foundation Principles

- There is One Lawgiver, not two. You have one master, not two.

*“There is only one lawgiver and judge, he who is able to save and to destroy. But who are you to judge your neighbor?” (James 4:12).*

- You can't serve God and the State.

*No man can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and mammon (Matthew 624)*

- You can get married without a license, but you cannot get married without a marriage contract.
- You can get married without permission from the State, but you cannot get lawfully married without permission from your parents.
- You are sovereign, the State is not. You have rights; the State has power.
- You are endowed by your Creator with certain unalienable rights; the government has no rights.
- The government has a duty to protect your right to contract, but you have no duty to the state.
- You have a God-given right to create your own marriage agreement (contract, covenant), and the State is forbidden to interfere.
- Common Law rests on Biblical Law.

## 2. Definition of a Christian Marriage

### Genesis 2:24

"Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh"

### Redefinition of Marriage:

On July 26, 2015 the U.S. Supreme Court abrogated the Christian definition of marriage as a contractual, sexual union between one man and one woman and replaced it with lawyer "legalese" as a "union of two persons." This twisted perversion opened up the door for same-sex civil unions—a concept designed to weaken humanity, and to destroy the institution of marriage. This decision along with Roe v. Wade was a declaration of war on Christianity.

The Ontario Superior Court ruled that Canada's legal definition of marriage—"the voluntary union for life of one man and one woman"—is discriminatory, unconstitutional, and violates homosexuals' human rights guaranteed under the Canadian Charter of Rights and Freedoms.

### Common Law Marriage

A common law marriage is a marriage based on Biblical authority and tying the knot without permission from the State. A free man does not need to beg the state for permission to marry a God-fearing woman.

A common law marriage is not shacking up together for seven years . . . nor is it consensual fornication . . . nor is it two people living together under the same roof. God forbid. It is getting married without the State being the overseeing partner.

A true common law marriage is honorable and dignified. It involves witnesses, agreement of parents, a contract, and a formal taking of vows.

Moreover, a Biblical marriage is not a "partnership." It commands the submission of the wife to a benevolent considerate, competent lord. A Biblical marriage is not a democracy because in a Biblical marriage a husband gets two votes . . . though he will often do what he thinks is best for his wife and marriage.

## A Biblical Definition of Marriage

A Christian marriage is a free and fair agreement between a mature, Christian man (20 years old) and a mature Christian woman who agree to live together as man in wife under God's laws for His glory and for the benefit of one another. The marriage is a public proclamation. The marriage is sealed by the signing of written contract, and it is consummated by marital intimacy following the date set for formal proclamation of the marriage.

All Marriages involve a written contract.

Secular marriages involve three parties: a person, a person, and the state.

**A union between a man and a man or a woman and a woman is not a marriage. It is a mortal sin.**

*"If a man take a wife and do not draw up a contract with her, that woman is not a wife" Code of Hammurabi, 128.*

*Consensus non concubitus facit nuptiam. Consent, not lying together, constitutes marriage.*

*Nay, ye do wrong, and defraud, and that your brethren. Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, Nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of God.(1 Corinthians 6:8-10).*

You need a license to get married if you are a resident in the State, but a man endowed by His Creator with certain unalienable rights does not need a marriage license to get married under God's law.

License: The permission by competent authority to do an act which, without such permission, would be illegal, a trespass, or a tort. People v. Henderson, 391 Mich. 612, 218 N.W.2d 2, 4. Certificate which grants permission. Blacks Law Dictionary 5th Edition. (Write your own vows and keep the document for yourselves. Why ask the state for it's approval to get married?)

You don't need a license to get married? Since when did marriage become illegal? License are **not** about sanction but control.

All Christian marriages involve a written contract.

Christian marriages involve three parties: a man, a woman, and God.

When God is part of the contract it is called a covenant. A Biblical marriage is a common law institution that relies upon centuries of practicing Biblical law as a contract with vows and witnesses.

A common law marriage is a Biblical marriage under contract, with two consenting adults who agree to live together as man and wife, solemnified in a public ceremony, without the State as the third party

### 3. The Authority for Marriage

#### Genesis 2:24

*“Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.”*

By what authority do you get married, the authority of the State or the authority of the LORD God and His Law-word?

#### The Yoke of Licensing

Modern men have lived all their lives under the authority of the State instead of under the authority of the Lord Jesus Christ. So much so, the power and authority of Scripture has been all but lost; that is, the State has been very successful at indoctrinating Americans into believing that men must ask the State permission to marry, get a job, buy a house, or travel. Because of State propaganda through public schools and the media, modern Christians are not very sanguine about King Jesus.

Consequently, young Christians "feel" like they have to get a license and ask the State's permission to marry. Nonsense! Men have always been free to marry without permission of the government. Young Christians need the consent of parents, but they do not need the consent of the State! Common law is Christian law and the only law recognized in the Bill of Rights. Christians are under Lex Rex and not the law of a king (Rex Lex). All states must recognize common law or be at odds with the Bill of Rights, especially Amendments Eight, Nine, and Ten.

When a couple applies for a marriage license, they are appealing to the State (a for-profit corporation) for its permission to marry. Further, by asking for a license, they are abdicating the law of God, surrendering their freedoms, and are agreeing to live under the laws of the god-State.

Application for a license means the couple is agreeing to be governed by the laws of these for-profit corporations acting as de facto governments. This is not all bad. Pagans need the State to govern them. Good Christian men do not! In law and in fact, couples married under State law are bound by their definitions of marriage, of the family, and their rules for

raising children; that is, the State is a third party in the bedroom of their marriage.

It's time for Christians to get a divorce, and to kick the government out of their bedroom and marry under God's laws.

If a couple gets married under God's laws and enter into a Marriage Covenant, then you have his promise of blessing and sustenance . . . and you are free to raise your children under His law and His grace.

You cannot marry under God's law and State Law and be ruled by both. You cannot serve two masters. One must prevail. And, if you go to court, a Bible will not be present in the courtroom!

### **Definition of License**

"The permission by competent authority to do an act which without such permission, would be illegal." (Black's Law Dictionary)

Illegal? When did marriage become illegal? Since when do Christian men and women need permission from the State to do what God commands?

Licensure for marriage in America came into being after the Civil War wherein it was illegal for a white man to marry a black woman and vice versa. Thus, a license was necessary between races--licenses granted by the State. In early America, licenses to marry were unheard of. Marriages were covenant contracts between two families, between a mature man and a mature woman. Marriages were recorded in the family Bible, not with the county clerk and the secretary of State. The only permission needed to marry was the permission of the father. But, with the rise of statism in America, licensing conquered the Christian mind.

### **Definition of Jurisdiction**

The term jurisdiction is a question of authority: Who or what has a right to tell you what to do? Who or what has authority over your marriage or house or job or land or children? Russian police have authority in the USSR, but they do not have authority in Denver, Colorado? The Federal Government has authority in Washington D.C. and Puerto Rico, but they do not have authority over Citizens of a State unless they are in contract with the federal government. Likewise, the State does not have authority over a man's family unless the man gives the State that authority . . . and, this is what a license does. A license is a contract that grants authority to the State to rule over, annul, disapprove, or punish a man for not following State statutes.

## **Definitions of Marriage**

Marriage is the first and most important institution created by the LORD God. It is an economic institution not only designed to perpetuate mankind, but to seal, cement, bind, unite, educate, and provide for mankind. The family is more fundamental than government or the church. When families are strong, the government and church are strong. When the family is weak, other institutions steal power.

How Christians define marriage is important for the church in order to maintain control over it. Marriage is not a creation of government.

According to Genesis two, the LORD God is Creator of marriage; that is, marriage is His idea, His plan, and His design. See Genesis 2:18-25.

Marriage is not a union of two persons, but a covenant between a mature man and a mature woman, competent to contract, bound together by oath to live together as man and wife under God's law and consummated by a sexual union. A marriage must include at least three elements: (1) a man and woman; (2) a binding contract by oath; (3) a sexual union.

Since God is the Creator, Grantor, Mediator, and Sustainer who sanctions marriage, ONLY THE LORD God has a right to define marriage.

Marriage is a religious institution and the government has no authority to define religion or regulate its law-order.

## **Amendment I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Marriage is not two people living together under the same roof. Marriage is not a perverted union between a male and a male, or a woman and a woman. Marriage is not two people in a commercial agreement. Marriage is not two people living together under the same roof. Shame on anyone who performs a same-sex union and calls it marriage.

Marriage is a covenant contract between a mature man and a mature woman who agree to live together as husband and wife for purposes of marriage as ordained in God's Word. Marriage is a contract. For a Biblical marriage to be valid, there must be an offer, acceptance, consideration, and performance expectations. The difference between a State license to marry and a Biblical Covenant of marriage is that in a State contract, the

State is part of the contract and the couple agrees to live under the rules of the legislature. In a Biblical Covenant, God is part of the contract wherein the couple looks to God for His assistance to marry and to conduct that relationship under His laws. In a Biblical Covenant, there is a grant of permission by the wife's father, an offer by the man, acceptance by the woman, consideration or dowry, a formal declaration of the marriage contract, and the seal of that union by sexual consummation.

### **Definition of family**

A family is not a school or football team or a group of fraternity brothers living in a college frat house. A family has blood relations, not emotional friendship bonds.

A family is a product of marriage--of blood relations, working together as an economic unit for the good and health of its members.

### **Definition of Institution**

An institution is a type of organization designed for the profit of the individuals composing it. There are three institutions in the Bible: the family, the state, and the church. God is the author of all three of these institutions. Each institution has its duties as well as limited powers within its own jurisdiction. Each has a duty to perform their services under God's Law-word and under His authority. The family is the institution of education. The state is the institution of justice. The church is the institution of mercy charged with the stewardship of the gospel.

The family is the first Biblical Institution. It is a spiritual, lawful, economic unit designed for the health and welfare of blood relations. It's first and foremost goal is education:

*Deuteronomy 6:6-9 And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. And thou shalt bind them for a sign upon thine hand, and they shall be as frontlets between thine eyes. And thou shalt write them upon the posts of thy house, and on thy gates.*

Consider how the home is a place of education. It is in the home the child takes his first class in language, speaking, writing, health codes, law,



judgment, food preparation, chores, work, relational skills, building, sewing, singing, music, weaving, writing, and other skills.

### **Intrusion by the State**

Consider the problems the State causes for Biblical families and the reasons not to surrender a family to the laws of the State. If a man obtains a license to marry, the State is the third party to the contract. The State has power to intervene, demand performance, take children away from the parents, force families to send their children to public schools, punish parents for disciplining their children for corporal punishment, facilitate divorce, demand alimony even in cases of an adulterous spouse, child care, vaccinations, birth certificates, health care, etc.

Consider how the State is changing the definition and rules of marriage to include same-sex couples and then granting homosexuals parental rights over foster children. A poison arrow, it will kill the very definition of family.

Consider how the State damages the family by over reaching its authority and expanding its jurisdiction demanding vaccinations, flu shots, and specific performance.

Consider how the State is damaging and weakening the family through taxation, women's rights, redefining marriage, redefining a family, granting homosexuals tax breaks, seeing itself as the Great Parent to all children, devising a false war on women, diminishing the rights of men, granting power for fornicating mothers to murder their babies.

In conclusion, jurisdiction refers to the right, power, and authority to act. The great question is who has authority over a marriage, the LORD God or the State? Well, it depends under what laws a marriage contract is formed. It is time for good Christian men to return to the authority of Scripture, to kick the State out of their marriages, and to incorporate under the original jurisdiction of the creative order.

You have unalienable, God-given rights separate from government.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,

## 4. Supreme Court Confirmation

### HALE v. HENKEL , 201 U.S. 43 (1906)

Conceding that the witness was an officer of the corporation under investigation, and that he was entitled to assert the rights of corporation with respect to the production of its books and papers, we are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. **The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited.** He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. **He owes no such duty to the state,** since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. **He owes nothing to the public so long as he does not trespass upon their rights.**

Upon the other hand, **the corporation** is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to [\[201 U.S. 43, 75\]](#) act as a corporation are only preserved to it so long as it obeys the laws of its creation.

## 5. The Law of Marriage

### Genesis 2:16-18

*“And the LORD God commanded the man, saying, Of every tree of the garden thou mayest freely eat: But of the tree of the knowledge of good and evil, thou shalt not eat of it: for in the day that thou eatest thereof thou shalt surely die. And the LORD God said, It is not good that the man should be alone; I will make him an help meet for him.”*

### Man Under Law



In Genesis 2:4 we see the first use of the term "LORD God."

The name "LORD" is the Tetragrammaton, the sacred name for God wherein YHWH is identified as the Creator. Here we learn that man was formed from the dust of the ground. Man is **not** some type of ape or mass of protoplasm **nor** some type of legal entity in the courts.

**Man is called a "living soul," a living "nephesh." Man is a product of special creation endowed with God-given rights.** As a creature, he has a duty to his Sovereign Creator. The Source of man's

law is the LORD God.

**God subjected Adam to law and expected him to keep His commandments.**

Before Adam met Eve and married her, God instructed Adam in law. Adam was given the duty of being a theologian, lawyer, and law enforcement officer . . . before he met his wife. Likewise, God requires husbands to know law. How can a man who is not educated in the Law-word of the LORD God, especially the Ten Commandments and the Gospel of Grace, be competent to get married or lead a family? If Biblical law is the foundation of the family, how can a man build a family if he does not know God's precepts? He need not, of course, be a trained

lawyer, but he needs to have met the LORD God and passed Biblical Law 101.

The LORD God not only introduces Adam to law, but also to liberty. God's law-order leads to freedom. God set man free to eat from all the fruits of the garden save one. Man was created a free agent. There was freedom, but not unlimited freedom. *Only God is truly sovereign.* Further, He created Adam a legal man. In fact, Adam was charged with the duty of practicing law. Eating from the Poisonous Tree was not permitted by order of the LORD God; that is, it was not only *mala prohibita* but *mala in se* in that it contained all the far reaching evils of a Pandora's Box. Adam lived in a maximum liability universe. There were consequences to actions. Thus, man's liberty was under law. Responsibility led to freedom and prosperity, but irresponsibility led to death.

### **God required Adam to instruct his wife in the law of the LORD God.**

Eve never heard God's prohibition regarding the Poisonous Tree directly. The command was given to Adam. And, it was his duty to instruct his wife in the law of the LORD God. *Likewise, it is the duty of all fathers to teach their family the Law of God.* Consequently, a man who omits or fails to teach his family the law of the LORD God is guilty of inexcusable neglect. God's man must be a legal man.

### **God elected Adam to be head of his family.**

Likewise, God gave men (males) the head of home and the duty of leading the family under the dominion mandate. The assignment of head is by order of creation. Adam was created first; Eve was created second.

Modern man has declared war on God's law-order and the family. Beginning with the woman's suffrage, voting, and the apotheosis of women in the work place, confusion entered society regarding male and female roles in the family. Even today we see the movement of gendercide waffling through universities. Regardless of the mounting pressure from the liberal media and apostate churches, Christians must never surrender the leadership role for men in the family.

*Christian home is a patriarchal home, not a democratic organization.* Paul under the authority of Christ uses the order of creation to instruct church families about headship in 1 Corinthians 11:1-16. Males are given the headship of their homes

It is the duty of Christian men to guide and protect their home; it is the duty of women to surrender to that leadership and to arrange themselves under their commanding officer. The man is not superior to the woman, nor the woman to the man. Headship is not about competence or skill or superiority, but of assigned roles in God's law-order. The created order determines the right of the male to lead a home and the duty of a woman to honor and respect that role. The duties of husband and wife are clearly set forth in Ephesians 5:25ff as case law for the family. The man is the king of the home, and the king treats the queen quite well!! Further, the woman in her assigned role is to be honored by her husband and her children (1 Peter 1:7); and in Leviticus 19:3 the mother is mentioned first in line for honor, "You shall fear your mother and his father."

## 6. Marriage Under Law

### Genesis 2:18

*And the LORD God said, It is not good that the man should be alone; I will make him an help meet for him.*

#### **Marriage is good and not evil.**

But, it is not good to be alone. Loneliness has its own set of evils and path of thorns.

#### **Marriage is God's remedy for loneliness and his norm for most people.**

The word "help meet" is the Hebrew word "ezer." He created the woman to be man's helper, not the man to be the woman's helper. Hear what is being said, not what is not being said. Yes, a good man will honor his wife and serve her in many, many ways during the course of marriage. But, the man was not made for the woman and her ambitions. She was made to serve her husband and his lawful ambitions.

#### **Marriage is a contract to live together as man and wife.**

**A covenant is also a contract to live together as man and wife**, the difference being that in a covenant, God is part of the contract as its Lawgiver and Sustainer. A Biblical marriage is covenantal wherein the man and woman commit to living together under God's law. A "civil union" is also a marriage contract wherein permission to marry is obtained by the state. In civil marriages, the couple have a duty to State law. A Biblical marriage is a God-given right to contract and requires no permission from the State. *In fact, mature Christianity seeks NO permission from the government to do that which is ordered under Christian law.*

Without a contract, there was no *lex scripta* for marriage in the ancient world.<sup>1</sup> The N.T. calls the contract a "yoke." No contract; no marriage!

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<sup>1</sup> Lex Scripta: Latin for "written law."

*2 Corinthians 6:14 Be ye not unequally yoked together with unbelievers:*

*"If a man take a wife and do not draw up a contract with her, that woman is not a wife" Code of Hammurabi, 128.*

**In marriage, the woman is equal with the man in stature, but not in authority.**

Adam said about Eve that she is "*bone of my bones and flesh of my flesh.*" She shall be called 'woman' because she was taken out of man. The word for "man" here is "*ish*" and the word for "woman" is "*isha*." Both man and woman are part of the "*anthropos*" we call "humanity" or "mankind." But, humanity is divided into two sexes, "*ish*" man and "*isha*" woman, or male and female. In my family, my wife is affectionately called my *isha yapha* or "beautiful woman."

**Marriage involves forming a new family unit under God's law-order:**

*"Therefore shall a man leave his father and mother . . . "*

A Christian marriage involves leaving, cleaving, and weaving. Leaving a parent is part of the Biblical order. "Leave" does not mean abandon or disown. God forbid! Married children still have a duty to honor their parents and all that the Fifth Commandment requires. Leaving is a synecdoche for coming out from under parental authority to establish a new home directly under God's authority. The new husband takes the position as king of his home and the wife takes the position as the queen of the new home. Likewise, when a son or daughter marries, the marriage is a formal declaration that the parental-child relationship is taking on a new dimension.

**Marriage is a union wherein man and wife become one flesh.**

A marriage is sealed by sexual intercourse. There is no such thing as a marriage without this bond. Weaving is part of marriage. Man and wife become one flesh; that is, in marrying, both man and woman forsake exclusive rights to their bodies. They are "one" in Christian law and under duty to care for the physical needs of each other. For this reason, Paul condemned "fornication," "adultery," and any ploy to selfishly deprive one another of conjugal rights (1 Corinthians 7:1-3ff).

**Married couples are charged with the duty of cleaving to each other--till death do they part:**

The rule of the Christian family is LEAVE, CLEAVE, AND WEAVE. "What God has joined together, let not man put asunder" - Christ (Matthew 19). By the law of God and the grace of God, problems must be worked out.

### **Marriage carries with it conjugal rights.**

*1 Corinthians 7:3 The husband should give to his wife her conjugal rights, and likewise the wife to her husband.*

No man or woman has a right to withhold sexual intimacy from each other in marriage except in the case of sickness or ill health; or, for a religious purpose such as fasting. A woman or man who uses sex as reward or punishment won't long endure. For this reason, the State should be very leery of entertaining a charge of a husband raping a wife. If sexual intercourse is a right in marriage and a person yields the right to abstinence when marrying, the whole idea of rape is a conundrum and non-sequitur.

### **Marriage comes with legal rights.**

*Genesis 2:24 Therefore a man shall leave his father and his mother and hold fast to his wife, and they shall become one flesh.*

The couple not only has marital rights, but legal rights; that is, the wife comes under the coverture of her husband. Black's defines coverture as follows:

*"Coverture. The condition or state of a married woman. Sometimes used elliptically to describe the legal disability which formerly existed at common law from a state of coverture whereby the wife could not own property free from the husband's claim or control. Such restrictions were removed by state Married Woman's Property Acts."*

Blackstone Commentaries (p. 442) has this to say about coverture:

*"By marriage, the husband and wife are one person in law, that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs everything; and is therefore called in our law-French a 'feme-covert,' ...and her condition during her marriage is called her coverture."*



By treating Americans as "individuals" and not a "family," American courts disparage the law of coverture unless that right is announced and claimed by husband and wife; that is, this truth like all truth must be defended in these statist courts.

**Court rulings agree:**

*"A wife follows the domicile of her husband." Trayner, Latin Legal Maxims and Phrases, etc. "Husband and wife are considered one person (as one flesh and blood) in law." Coke on*

*Littleton, 112; Jenkins' Eight Centuries of Reports, English Exchequer.*

*"A wife is not her own mistress, but is under the power of her husband." Coke's Institutes, 5-108 "All things which are the wife's are the husband's." Bracton, de Legibus et Consuetudinibus*

*Angliae; 2 Kent's Commentaries on American Law.*

*"Although the property may be the wife's, the husband is the keeper of it, since he is the head of the wife." Coke on Littleton, 112.*

The implications of Christian marriage are legally profound and are too numerous to be expound here. But, in summary, a husband has the duty to honor his wife and to protect her life even to the point of using legal force. He may employ every lawful means to protect his family from thugs on the streets or State actors wearing black robes on a bench called "the court."

**Marriage involves trust.**

The phrase, "they were both naked" imply implicit and explicit trust. Trust is the foundation of a healthy marriage and a wise couple with do everything in their power to honor the trust of their spouse by keeping promises, protecting secrets, and speaking kindly toward one another. Where there is anger, bitterness, slander, and promise breaking, the marriage shall not long endure.

In summary, the first man was not only placed under law, God placed Christian marriage under law. The failure to see admonitions to Christian marriage as law has been the product of more than a little evil.

## 7. Legal Authority

### Scripture

Genesis 2:24 "Therefore shall a man leave his father and his mother, and shall cleave unto his wife; **and they shall be one flesh**"

### Code of Hammurabi

"**If a man take a wife** and do not draw up **a contract with her**, that woman is not a wife" Code of Hammurabi, 128.

### Magna Carta

8. No **widow shall be forced to marry** when she prefers to live without a husband; so, however, that she gives security not to marry without our consent, if she hold from us, or the consent of the lord from whom she holds, if she hold from another.

### The Declaration of Independence

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with **certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.**--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed

### U.S. Constitution

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, **or Law impairing the Obligation of Contracts**, or grant any Title of Nobility.

### Bill of Rights

Congress shall make no law respecting an establishment of religion, **or prohibiting the free exercise thereof**; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## 8. Isaac and Rebecca -- a Contract Marriage

### Genesis 24



As stated in the first lesson, the first and most important decision a man must make regarding his marriage, is what law is going to govern his family: the law of gut instinct or the law of the State or the law of Almighty God? The failure of pure devotion to God's law-order is the reason so many marriages steer into rocky reefs.

Second, as stated previously, a marriage is a contract between a mature man and a mature woman to live together under God's law as husband and wife. When two people live together without a contract, this is fornication and concubinage--a state for fools.

The issue for the Christian man is whether to contract under God's laws or State laws or a merger of the two systems which results in legal confusion.

Third, and most important, is when there is a controversy, where does a man go to gain clarity? Does he consult his own gut instincts, or his humanist friends, the State, or God's Word? Truth be known, most Christians follow their belly-button rather than the Holy Scripture.

You can gain clarity about the legal authority of marriage and the superiority of a Biblical covenant by discovering the Biblical principle and applying it to your family and set of circumstances.

### The Marriage Contract

Genesis 24 is about a search for a bride and a marriage contract. There is no more beautiful picture of a marriage proposal in Scripture than the engagement of Rebecca to Isaac. It stands out like a rose garden in the public square. It burgeons with the fruits of integrity: honorable oaths, lawful purposes, duty, discernment, prayer, dependence on God, honor, full disclosure, valuable consideration, offer, acceptance, and joyful consummation. Before us is an arranged marriage between a royal

Bedouin father, and a humble, upper middle class family known as the house of Bethuel.

It is ideal in some ways in that Abraham and Isaac were part of a marvelous covenant and a grand plan for the salvation of the human race. This simply cannot be duplicated. Second, this chapter is unique in that the party of the groom was quite wealthy. This is not always the case when a man finds a potential bride.

Third, there is a bold, dynamic prayer for guidance in this chapter and a marvelous, almost larger than life answer to prayer. Many pray for light and receive it, but few come with the such thundering fulfillment as we find here. Nevertheless, the chapter abounds with human interest and lessons for Christians on a Biblical marriage.

**The indispensable lesson on marriage in this chapter is that marriage is a contract between two consenting families.** In any contract, there must be an offer, acceptance, consideration, and defined duty. Before us is the marriage of Isaac and Rebecca--a model marriage with a model contract. It is applied to brides, but the principle applies to finding suitable husbands as well. Consider the following lessons:

**A Christian marriage is a covenant built on God's law and His sustaining grace.** The title "God" is mentioned seven times (7) in Genesis 24; and, the name "LORD" is mentioned no less than twenty times (20). An oath is taken in His name; His direction was sought through prayer, and the characters in the story looked to him, talked about him, and lived under an expectation that He was guiding and leading the search. The reader can see the providence of God at work in this historical event. This is not only a contractual marriage, but a covenant marriage created by and sustained by the LORD God.

**A healthy marriage has the blessing and help of parents (24:1-2):** Notice that it was Abraham, the father of Isaac, who took the initiative to find a suitable wife for his son. He did not leave this decision up to Isaac. Likewise, no God-fearing son or daughter would dare think of marrying without the consent a godly father. Fathers love their sons and only want the very best for them. A man that will not consult his father (and mother) about his bride to be drinks the hemlock of pride and arrogance. Such a decision is a draft for disaster!

**A godly father looks for suitable wife among "Christian" families (24:3):** Abraham lived a separated life. Searching for a godly mate for Isaac

among the Canaanites was like trying to find a pure bred poodle among hound dogs--an impossibility!

Abraham's family lived in the plains of Beersheba away from the powerful, seductive city states in Canaan; that is, they lived apart from the corruption of the age. Finding a wife required a significant investment of time and money. For this reason, Abraham put his chief servant, Eliezer, under contract to travel and locate a suitable wife for Isaac among his clan in Haran in the northern region of Mesopotamia. Interestingly, the choice of the bride was not in the hands of Isaac, but a "matchmaker" under oath with Abraham.

The NT application of this law is that brides must be chosen from the pool of godly women: "*do not be unequally yoked with non believers;*" that is, under no circumstances is a Christian permitted to marry outside of the faith. It was inter-marriage to pagans that diminished Israel. Likewise, the faith of a Christian man will not prevail if he is unequally yoked to a carnal woman. Holiness is not contagious; but, but the spirit of a profane woman goes viral (2 Corinthians 6:14; Nehemiah 10, 11; Ezra 9:1ff).

Finding a godly mate for a son or daughter is like searching for a white tiger in Bengal. What man would want a wife among the autonomous, radical American feminists today? The head-wobbling, in-your-face American female is her own disaster. Furthermore, searching for wife among nominal, pseudo-spiritual, subjective Christians is like tying your horse to a fire engine. Finding a Proverbs 31 woman who "dresses herself with strength," and who "fears the Lord" is a challenge indeed. But, if found "doeth him good all the days of his life" (Proverbs 31:12, 29-31).

**The search for a wife involves trust (24:5-9).** Obviously, Eliezer was very concerned that he might not find a suitable mate for Isaac, but Abraham assured his servant that the God of heaven would be in charge of the search and guide the process. Likewise, it would be good for fathers and sons to pray much to Almighty God to provide the right person for their sons and daughters.

**Finding a wife involves prayer (24:12-14):** Further, notice that Eliezer also prayed and asked God for the success of finding a good woman for Isaac. He casts himself in dependence on God for the success of his mission.

**Virgins make the best brides (24:16).** Eliezer looked for a woman that was "a virgin" which "no man" had spoiled. The Ashkenazi-phallic culet

led media portrays virgins as naive and unsophisticated. But, the opposite is true. Virgins make the best wives and best husbands. A sexually promiscuous woman who has given herself to dozens of men man not have anything left to give a husband. She is broken spiritually and lacks a whole heart to share with her husband. Plagued by guilt and shame and lusts, her baggage is more than a strong man can carry. A virgin on the other hand stands ready to give her whole heart, body, and soul to her first love. A woman of integrity will save herself for her husband, and the godly man will wait for her.

**Look for an industrious wife (24:18):** Eliezer requested a drink of water. Rachael not only lowered her jug into the cistern and raised it again for him to drink, she offered to water all his camels. Did you know that a camel can drink up to twenty (20) gallons of water at a time? Eliezer had ten camels. Rebecca was a beautiful, pure, happy, hard-working woman--a perfect choice for Abraham's son. It appeared the Lord was guiding this servant.

Likewise, a discerning young man will look for calluses on the hands of a potential bride.

**A "Christian" woman should be able to state her pedigree (24:22-25).** Eliezer immediately made inquiries about her family. Rebecca was a near relative of Abraham. Like a warm fire on a cold day, Rebecca's testimony ignited Eliezer's confidence that God was guiding him. Likewise, a Christian woman should not only be able to loving speak about her family, but be able to state in clear terms her Christian history, her story of salvation, and her hope in the person and work of the Lord Jesus Christ. This principle is confirmed in other passages. Priests that could not prove their lineage were rejected for service by Post-Exilic leaders in Jerusalem (Ezra 2:58-63; Nehemiah 13:1-3; 24-31)

**A good woman should be recognized and honored (24:22).** Eliezer was so impressed with Rebecca's kindness and generosity, it was Christmas in summertime. By placing a gold ring and two bracelets on her arms, Eliezer provided an earnest consideration for the contract he was about to offer. He wasted no time and spared no expense.

**When the right woman is found, make haste to get married (24:33-).** After the pleasantries were accomplished, Eliezer got down to business--the business of the proposal and contract offer. He reviewed his mission to clarify any trust issues and to dispel any fears the family might have.

He did not take days or weeks to secure this bride. He found the right woman and made his offer. Long engagements are a curse. If God has revealed the right woman, why wait? A man should take as long as necessary to determine the will of God regarding a bride, but once he knows the woman is the right one, make haste to get married.

**Marriage is a contract** (24:40-49): Notice that Eliezer makes an offer of marriage. There is complete, honest disclosure about his mission. There is no deceit. No fraud! Truth reigns! The whole family is excited and gets involved in the proposal: Laban, Bethuel, Rebecca's mother, and Rebecca. The family wants more time, but Eliezer negotiates for an immediate answer. Will Rebecca accept this offer is the great question of the whole negotiation.

Observe the **contract elements** in this marriage proposal:

**The Offer:** "My master said . . . take a wife for my son . . . who had led me by the right way to take the daughter of my master's kinsman for his son. Now then, if you are going to show steadfast love and faithfulness to my master, tell me; and if not, tell me, that I may turn to the right hand or to the left" (24:37-48).

**Full Disclosure:** There is no fraud in this contract offer; no words in small print. Eliezer discloses all the family needs to know to make a decision. The fragrance of truth and integrity grace all the negotiations.

**Consideration:** ". . . the man took a gold ring weighing a half shekel, and two bracelets for her arms weighing ten gold shekels . . . And the servant brought out jewelry of silver and of gold, and garments, and gave them to Rebecca. He also gave to her brother and to her mother costly ornaments" (24:22, 53). In contractual terms, it was consideration. In Biblical terms, it was a dowry.

**Capacity of the parties:** Both parties were competent, consenting adults, with a capacity to contract. The party of the groom: Abraham and Eliezer and Isaac; and the bridal party: Rebecca, Bethuel, Rebecca's mother, and Laban (brother).

**Intent of the parties to contract:** this is not Romantic love. Eliezer was on a mission, and he revealed his intention "*to take a wife for my son*" (24:38).

**Legality and honor of the contract:** There is no "small print" in this contract negotiation. Everything is above board, acceptable, and

honorable per public policy and standards of the day. The whole affair shines with integrity.

**Performance standards:** the contract is about marriage, performing the duties of husband and wife--an understood tradition. The only issue was "when?" Rebecca's mother and her brother sought an extension of time: "*Let the girl stay for a few days,*" was their stipulation. Eliezer negotiated and pressed for an immediate decision: "*Do not delay me, since the LORD has prospered my way. Send me away that I may go to my master*" (24:33, 56).

**Acceptance:** "*We will call the girl and consult her wishes . . . will you go with the man? and she said, 'I will'*" (24:57-58). Brother Laban, Rebecca's mother and her father were part of the negotiations, but they did not make the decision for Rebecca as is the practice in pagan cultures. Rebecca willingly, voluntarily gave her consent to the contract offer. And, the parents gave their blessing (24:60).

**Marriage needs the permission of parents, not the State:** There is no filling out a license, no asking the local government for permission to marry. The marriage contract was a private matter between two families: the house of Abraham and the house of Bethuel. Marriage is germane to the institution of the family not the State.

**Covenant aspect of this arrangement.** With the oath performed and the marriage agreement complete, this story ends with the arrival of Rebecca in Beersheba. One can only guess about the thoughts of each during the long journey and the anticipation of marrying a person they had never met. Introductions made, Isaac received Rebecca, and she became his wife . . . and he takes great delight in his new possession (24:67).

### The Dowry

**A dowry meant the wife became the property of the man.** A Biblical marriage was always by dowry, and an important part of marriage. In one sense, a bride was purchased wherein she became the property of her husband with full rights and responsibility attached thereto. Both Rebecca and her family received gold and silver. She was purchased and became Isaac's property. The word "property" in Latin means "not common with others, owned, special . . ." As property of the husband, he had rights over his acquired wife; likewise, says Paul, the wife had rights in her husband. A denial that the wife was the man's property with a duty to provide and protect her was a breach of marriage. Likewise, a wife that failed to recognize she was the property of man was a breach of contract--



rebellion against God's law-order. In the case of seduction and rape, the guilty party had to endow the girl with the dowry of a virgin. If marriage followed, he lost the permanent right of divorce (1 Corinthians 7:4,5; Exodus 22:16, 17; Deuteronomy 22:28, 29).

The wife as property was not unique to Israel. Rome considered the wife and the children the property of man, each of which could be sold in an economic depression as a remedy to ruin . . . but this kind of human trafficking was strictly forbidden in Scripture. Neither the child nor the wife was permitted to be sold into prostitution to resolve an economic crisis. Such a thought was condemned by Sabbatical laws strictly because "I am the LORD" and His law forbade it (Deuteronomy 23:17; Leviticus 19:20-30).

Modern man balks at the thought the wife is the property of a man but thinks nothing of the State's claim upon its citizens as property of the United States. Calling Americans a "human resource" for the government is nothing more the corpse of slavery dressed in a new suit. It has always been a liberal ploy to enslave man while creating the illusion of freedom.

**A dowry involved wealth and forced the man to adopt a profitable business.** A dowry consisted of about three years wages. In the case with Jacob, he worked seven years for Rachel. Paying for a wife was common practice. Jacob had to work seven years for Rachael and Leah. This fact is under appreciated by modern men, but its practice contained the highest degree of integrity.

**A dowry constituted a bride's protection as well as her children's inheritance.** A dowry was the family capital; her security in case of divorce due to the fault of the husband. If there were no dowry, there was no marriage. A conjugal relationship without a dowry constituted concubinage---that is, the woman became less than a "whore"--a practice forbidden in Israel (Deuteronomy 23:17).

**A dowry created value;** that is, the wife was considered a special treasure to be appreciated and honored. What was purchased had more value to a man than that which was taken; that is, the dowry assured the woman of future love and care. That a wife is to be greatly honored is part of Biblical case law. This system is far superior to the marriage arrangement in the west where women are viewed as sex partners or a "significant other" (1 Peter 3:7; Ephesians 5:27ff).

**The dowry was a comfort to the family for their loss of a precious member the family.** The loss of a daughter meant economic loss as she was a vital part of the family business. The failure to practice the dowry in the west by expecting the bride's family to give away a family member and then pay for the wedding is a double tragedy; a loss of a daughter and the loss of income.

**A dowry brought honor to the wife;** that is, she knew that her husband loved her because he paid the bride price. Later in history, the Jews denigrated the rights of the wife wherein men sought to diminish their partnership in the marriage.

In Ben Sira 36:14-24, the Rabbi said, "A silent wife is a gift from the Lord, and nothing is so precious as her self-discipline." But, the Scripture tells us a good wife "*opens her mouth with wisdom and in her tongue is the law of kindness.*" But even so, Biblical people carved out a society where women were treated with dignity and honor, as "*fellow heirs of the grace of life*" unknown in pagan societies . . . and this was due in part to the value men place on brides and their willingness to purchase so precious an asset to begin a family. (NRS w/ Apocrypha; Proverbs 31:26; 1 Peter 3:7).

**Government policies undermine the institution of marriage and the dowry system.** It is difficult to probe the complete negative impact of democratic governments upon the institution of marriage and the Biblical dowry system. Instead of providing a dowry to the bride's family, most men are forced to provide dowry payments to the state in the form of a slave taxation, a small tax on a marriage license, and a lifetime dowry / tax to the State for protection of the family. These outrages policies keep the man and his family in a lifetime of debt and dependency on the State for sustenance. When wealth is transferred to the State and not between families, marriages are weakened and all power is shifted to the State. Thus, the modern State is at war with the institution of marriage.

### **The Jurisdiction of Marriage**

Do you need a license to get married? There are two jurisdictions in which couples can marry: (a) God's law, Common Law, Church Law, or Constitutional law, or (b) State law or statutory law.

People have married for millenniums without permission from the state? In modern times, Americans have seen the rise of Big Government and its intrusion into every area of life. Government even offers couples a marriage license (a tax). In the O.T. era, the only permission a man or

women needed to marry was the permission of the father (Common Law). In the Christian era, clergymen assisted couples to marry under God's law (Common Law). Couples, therefore, need to determine in what jurisdiction they intend to marry.

If a couple chooses to marry under the laws of the state, they will need a marriage license. The marriage license is really a tax for the privilege of having the state be the third party in the marriage. After the wedding ceremony, the marriage license will be signed and registered at the county court house. If a couple marries under *state jurisdiction*, the marriage is between three parties: husband, wife, and state. When a couple gets a license from the state, the state has authority over the marriage and the children brought into this world. A marriage under state law is honorable, but unnecessary for those who understand the Constitution and know God's Word.

The only way the State can interfere with a marriage is if the couple gives them permission to intervene. The *marriage license* is a *permission slip* giving the government authority over the marriage.

### **Common Law Jurisdiction**

Common law is God's law or Constitutional law. Common law supersedes statutory law.

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof (Amendment I).*

*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people (Amendment 9).*

The Constitution is the "highest law in the land." And, God's Law is supreme above all man-made laws (Acts 5:29). In other words, the Constitution supersedes all statutory laws. Statutory laws are considered "null and void" when they contradict the Constitution.

*. . . the theory of every such government must be, **that an act of the legislature, repugnant to the constitution, is void.** This theory is essentially attached to a written constitution, and is, consequently, to be considered by this court as one of the fundamental principles of our society. . . . (Marbury v. Madison).*

**When a couple marries under God's law, they are choosing to live under Common Law.** In church law, the father gives the bride away. A marriage

license is not needed. Vows are taken, and the couple signs a marriage contract which states they agree to live together as man and wife as opposed to an illicit relationship. They may create a *Certificate of Marriage* which is then recorded at the county court house. The sexual union consummates marriage, and the couple becomes "one flesh" (God's Law). In common law, no license is necessary, and the state has no right to interfere with the marriage or with how a Christian couple under God's law chooses to raise their children. A Common Law<sup>2</sup> marriage is a legitimate, God honoring, publicly recognized marriage.

**Warning:** Common law has received a bad rap from the media and the state. The State does not get excited about people marrying under Common Law, and rightly so. They lose money and they lose control.

It is important that couples not only understand God's Law regarding marriage (Genesis 2, Matthew 19, 1 Corinthians 7), but that they understand the primacy of Constitutional Law. If they do not claim their Constitutional right to pursue "life, liberty, and happiness," the government assumes they have yielded their rights in favor of statutory regulation. Unfortunately, you have to assert your rights to enjoy them. If you choose to marry under state law, you are yielding your rights to the government. If you choose to marry under God's Law, you are asserting your God-given rights as secured by the nation's constitution.

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<sup>2</sup> The term "common law marriage" has been denigrated by the State in order to usurp power over the family. By narrowing the definition of "common law marriage" to years of co-habitation instead of in its intended lawful sense as a marriage under the laws of the LORD God, the state has been able to conquer the institution of marriage. Thus, whoever controls the definition, controls the argument.



## 9. The Marriage Oath

A Biblical Marriage invokes the presence of God and makes an oath to Him.

### Exodus 20:7

*Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that taketh his name in vain.*



Here is the original and fundamental law concerning oaths, with which we may also link "Thou shalt fear the Lord thy God, and serve Him, and shalt swear by His name" ([Deut. 6:13](#)).

Thus an oath was a solemn appeal to the dread name of Jehovah, which, by awaking the spirit of the swearer to a consciousness of the awe-inspiring presence and cognizance of the Most High, gave all its sanctity and power to it. And then, when anyone *had* so sworn, there was the solemn warning that the Lord would not hold him guiltless that took His name in vain. Thus it is quite clear that Israelites were permitted to swear by the name of the Lord, but having once done so they must not change their minds nor in any way fail to keep their promises.

### Deuteronomy 6:13

*Thou shalt fear the LORD thy God, and serve him, and shalt swear by his name.*

### Deuteronomy 10:20

*Thou shalt fear the LORD thy God; him shalt thou serve, and to him shalt thou cleave, and **swear** by his name.*

It is striking to note that when the Psalmist delineated the character of him who was fitted to "abide in the Lord's tabernacle" and "dwell in His holy hill" (i.e. commune with God and enjoy His presence for ever), one of the marks specified was "He that sweareth to his own hurt, and changeth not" ([Ps. 15:1, 4](#)): that is, who at no cost will go back upon his sworn word. It is therefore obvious from these passages that the Mosaic law had a strong tendency to check the practice of oath-taking and to restrict the

same unto solemn occasions. The interested reader may also consult such passages as Exodus 22:11, 12; Leviticus 5:1; 19:12; Numbers 5:19-21. (A.W. Pink: Sermon on the Mount).

### **Simple Oaths**

**Groom:** \_\_\_\_\_, do you take this woman to be your lawfully wedded wife, to love and to cherish in times sickness or in health, for richer or for poorer, for better or for worse, until death do you part or until Christ returns?

**Bride:** \_\_\_\_\_, do you take this man to be your lawfully wedded husband, to love and to follow in times sickness or in health, for richer or for poorer, for better or for worse, until death do you part, or until Christ returns?

# 10. Sample Marriage Contract

## Contract Agreement

between

*Name of Groom and Name of Bride*

### The Authority for Our Marriage

The authority for this covenant / contract shall reside in the following:

Genesis 2:24 Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.

Matthew 19:4-6 And he answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, 5 And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? 6 Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness (The Declaration of Independence).

Unlimited Right to Contract: No State shall . . . pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. (United States Constitution, Article 1, Section 10).

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . (Bill of Rights, Amendment I).

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people (Amendment 9, Bill of Rights).



A man “owes no such duty to the State, since he receives nothing therefrom beyond the protection of his life and property” (Hale v. Henkel, 201 U.S. 43 (1906)).

“ . . . the fundamental and paramount law of the nation, and consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void” (Marbury v. Madison (1803)).

“ All persons are born free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness” (New Mexico Constitution, Article I, Section 4).

## Declaration of Marriage

COME NOW THE UNDERSIGNED PARTIES, **Name of Groom and Name of Bride**, creations of Almighty God, having declined the option of state franchise and the disabilities associated therewith, do assert our God-given rights -- “rights reserved . . . for the People” (Amendment I; Amendment X), under the authority of Biblical Law, Common Law, as protected by the Constitution, having taken our marriage vows with the Lord Jesus Christ as our witness in the company of family and friends, do now hereby state our Declaration of Marriage to live together as Man and Wife:

We affirm that we are Citizens of the united states of America endowed by our Creator with certain unalienable rights; that we are of legal age, competent to contract; and, that we knowingly, voluntarily, and willingly entered into the Holy Estate of Marriage without state intervention, permission, or license. We affirm the Rights reserved for WE THE PEOPLE and with full authority do hereby exercise the right to marry under the laws of Almighty God.

From the date of this Declaration, we shall be known as husband and wife, Mr. & Mrs. **Name of Groom**, and the title Sui Juris shall remain with **Name of Groom** as husband, and Alieni Juris shall remain with **Name of Bride**, who shall hereafter be known as **Mrs. Name of Groom**, wife of **Name of Groom** that is, a wife subject to and under the protection of her husband by choice.

That should we bear children in this union, our desire is that they be reared lovingly under God's Law jointly with the responsibility and care of the children equally divided and sustenance maintained by both parties; that the purchase of assets in joint names, the same shall be considered as held in common tenancy. Other than debts validly contracted for services or materials or otherwise related to joint property of the Husband and Wife, if any, the Husband, Sui-Juris, shall have the right to act for, to obligate for, act for, contract for and act to the benefit of his Wife, Alieni-Juris, under the Common Law.

This is the Full Agreement of the parties and there are no agreements other than those stated herein. This agreement shall only be modified by written agreement executed by both parties hereto.

"What God has joined together, let no man put asunder" (Jesus).

Executed on the \_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_ "All rights reserved"

Signature of  
Husband \_\_\_\_\_  
(Child of God) Address \_\_\_\_\_  
\_\_\_\_\_

Signature of Wife  
\_\_\_\_\_  
(Child of  
God)Address \_\_\_\_\_

Witness \_\_\_\_\_  
Address \_\_\_\_\_

Witness \_\_\_\_\_  
Address \_\_\_\_\_

Minister of the Gospel or Master of the  
Ceremonies \_\_\_\_\_

# 11. A Simple Wedding Ceremony

The wedding doesn't have to be complicated but it does need to be dignified and honorable shedding the best light on a private contract marriage.

A covenant marriage must have competent witnesses of age; that is, it must be public oath ceremony.

You do not need someone to marry you, but it may be helpful in having a godly man to invoke the presence of God and to assist when it comes to taking your vows.

## **Invitation**

1. Invite family and friends to witness your marriage on \_\_\_\_\_ day at \_\_\_\_\_ P.M at \_\_\_\_\_ Place

## **Welcome Guests**

2. Groom: Welcome the guests and in a dignified, honoring way announce the purpose of the gathering. Thank the guests for coming.

## **Invocation**

3. Groom or Master of Ceremony: Pray and invoke God's presence to witness your vows today.

## **Giving in Marriage**

4. Groom: Who gives this woman in marriage?
5. Father: I do.

## **Read the Scripture**

6. A friend: Read the Holy Scripture slowly in a holy, dignified way: 2-4 passages.

## **Stating of Your Vows to one another**

7. Groom: Read your vows . . . "I promise . . . "
8. Bride: "I willingly and voluntarily accept your offer . . . "
9. Bride: Read your vows . . . "I promise . . . "
10. Groom: "I willingly and voluntarily accept your offer . . . "

### **Ring Ceremony**

11. Groom: "I give you this ring as a token of my love . . . will you accept it and wear it as a token of our marriage covenant under God . . . "

Alternative: you can also do this with a veil or headcovering (1 Corinthians 11).

12. Bride: "I do."

13. Bride: ""I give you this ring as a token of my love . . . will you accept it and wear it as a token of our marriage covenant under God . . . "

### **Kiss the Bride**

### **Sign the Covenant / Contract**

### **Closing**

14. Groom: Thank the guests for coming.

### **Prayer**

15. Ask a holy **man** to pray and offer a blessing on this union.

16. Optional: Toasts from the guests.

### **Time to cut the Wedding Cake**

# 12. Traditional Marriage Ceremony

*Name of Wedding*

**Place:**

**Time:** Seating of the Mothers & Lighting of the Candles.

**Processional:**

Welcome: Friends, we are gathered here to witness the uniting in marriage of *Name of Bride* & *Name of Groom*. Marriage is not of human origin nor is it something created by human government. Marriage is the right of a free woman and a free man by Divine Command. Since it was God Himself that sanctioned marriage in the Garden of Eden, and the Lord Jesus that honored it by his presence at a wedding in Cana, it is only fitting that *Name of Groom* and \_\_\_\_\_ union be one where we seek God's presence and God's blessing. On their behalf, I would like to welcome you to this holy occasion.

**Giving of the Bride.** Who gives this woman in marriage?

**Let us pray:**

**Bible Reading: Slowly and with dignity**

**Optional (Devotion on Marriage)**

**Prayer:**

**Song:**

**Vows:** If you, then, *Name of Groom* and *Name of Bride* have freely and deliberately chosen each other as partners in this holy estate, and know of no just cause why you should not be so united, in token thereof will you please join hands.

**Groom:** \_\_\_\_\_, do you take this woman to be your lawfully wedded wife, to love and to cherish in times sickness or in health, for richer or for poorer, for better or for worse, until death do you part or until Christ returns?

\_\_\_\_\_, what do you have as a token of your sincerity? *A ring.*

Do you pledge this ring as symbol of your love-to lead and provide, which by God's help shall be like that of Christ for his people?

Bride, will you accept this ring and wear it as symbol of Name of Groom's love and devotion to you?

**Bride:** \_\_\_\_\_, do you take this man to be your lawfully wedded husband, to love and to follow in times sickness or in health, for richer or for poorer, for better or for worse, until death do you part, or until Christ returns?

\_\_\_\_\_, what do you have as a token of your sincerity? \_\_\_\_\_

Do you pledge this ring as a symbol of your submission which by God's help shall be like that of the church to Christ?

Name of Groom, will you accept this ring and wear it as a symbol of Jo Dee's trust and devotion to you.

**Candle Ceremony:** Name of Bride and Name of Groom light the unity candle.

**Song:**

**Prayer:** Let us pray.

**Bridal Kiss:** You may kiss the Bride.

**Pronouncement:** Please join hands. As you have now agreed before God and these witnesses to enter into the holy bonds of marriage, and have exchanged rings as evidence of your sincerity, by the authority of the Lord Jesus Christ and by exercising Constitutional rights, I now pronounce you man and wife. What God has joined together, let not man put asunder."

**Recessional:** Ladies and Gentlemen, I now present to you Mr. and Mrs. Name of Groom.

May the Lord bless this couple and add his grace to this covenant.

# 13. The Marriage Certificate

*Create Your Own Marriage Certificate or*

*Register your Marriage in the Family Bible*

This Marriage Document Certifies that *Woman's Name* and *Man's Name* were united in Holy Matrimony by a Minister of the Gospel before His Majesty in Heaven under Biblical Law in Bernalillo County in the sovereign state of New Mexico on the \_\_\_\_ day of Month, in the year of our Lord 2020, being witnessed by family and friends.

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Bride	Groom
-----	-----
Witness	Witness

-----  
Minister of the Gospel / Master of Ceremonies

“All rights reserved”

You can register your Marriage in the Family Bible . . . or you can simply file the contract in your file cabinet . . . or give copies to your parents . . . or even register it as a “Public Notice” with the County Clerk.

The main requirement of a covenant marriage is that it is public and it involves a written contract.

Certificates are “icing on the cake” and good for plaques on a wall . . . but not necessary.

Are the marriage contracts legal? Yes,

## 14. The Duty of the State

The State has a moral obligation to recognize written, signed, common law contracts as a lawful marriage.

The State has NO authority to deny, interfere, nullify, vitiate, abrogate, content or to void your Bible-based marriage contract.

“No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title ...” (The U.S. Constitution: Art I. S10. C1.6.1)

The State has **no duty** to recognize consensual fornication or adultery as a common law marriage . . . and they certainly have no Divine authority to recognize homosexual commitments / unions as a “marriage.”

In my entire life, I have never had a State clerk ask, “Are you married?” But, if they did, I would say something like this?

“What is your definition of marriage? If your definition of marriage includes queer unions, No, I am not marriage.

If you want to know if I am lawfully married and have a married contract, the answer is, Yes!

If you want to know if I have a marriage license, the answer is “No!”

If you want to know if I have a Christian marriage, the answer is “Yes!”

If you want to know if you can command, order, regulate or control my children, the answer is No!



# Addendum



# 15. Common Law Marriage

*By Dave Champion, Paralegal*

There is much confusion about common law marriage. Some believe it to be the manner in which God intended a man and woman to be married; others believe it to be nothing more than "shacking up" covered by dubious veneer of respectability. So what is the truth?

In order to find the truth, we must look at the origins of common law marriage as well as the manner of its use over the past few centuries. It should be remembered that men and women have been getting married for at least 5,000 years, and that government laws concerning marriage are a relatively new event.

Most people today see "common law marriage" as a noun. In other words, it is a singular thing. That perception is inaccurate. It is only "marriage" that is the noun. "Common law" is merely a system of law that certain marriages utilize. Today's commonly accepted method of marriage is to acquire a government marriage license. Such marriages may rightly be called a "statutory marriage" because it is the system of "statutory law" that this type of marriage utilizes.

As we stated earlier, marriages have been taking place since the beginning of time, and historical records show that they were already in existence at the beginning of written history. As society progressed, and its legal systems matured, questions arose as to what really constituted a marriage. These questions originally revolved around issues such as inheritance and the status of children as bastards. Over time, the "common law of England" (from which America derived its common law) began to develop legal boundaries that expressed society's view of what constituted a marriage. The common law does not so much "control" the act of getting married, or "establish" a marriage, as it sets out the markers that can be used to determine whether a man and woman are in fact married, or whether they are simply using the word "married" without the existence of any of the fundamental elements being present that society understands to accompany a true marriage. In short, common law does not operate upon a marriage unless or until the validity of a marriage is challenged in court. At that time, the court will use the common law

standards that have evolved to decide if the alleged marriage was truly established as such.

### What's Legally Valid and What's Not?

When examining a legal question, it is customary to lay foundation and then come to the final conclusive point. However, we believe that in this instance it is best to state the conclusive legal reality of common law marriage first and then investigate the particulars.

Here is the holding from the decision of the United States Supreme Court in *Meister v. Moore* 96 US 76 (1877):

"As before remarked, the statutes are *held merely* directory; because *marriage is a thing of common right...*" [emphasis added]

**Directory** - A provision in a statute, rule of procedure, or the like, which is a mere direction or instruction of no obligatory force, and involving no invalidating consequence for its disregard, as opposed to an imperative or mandatory provision, which must be followed. *Black's Law Dictionary, 6th Ed.*

The statutes to which the Court was referring were statutes in Massachusetts and Michigan that purported to render invalid marriages not entered into under the term of written [statutory] state law.

While the various state courts have prattled on for almost 200 years about what the laws of their states do and do not allow concerning marriage, the US Supreme Court cut straight to the heart of the issue in declaring that statutes controlling marriage can only be directory because marriage is a common right, which is not subject to interference or regulation by government. Or phrased another way, the God-given right to marry existed prior to the creation of the states or the national government, and therefore it is beyond their purview to alter, modify, abolish, or interfere with, such a right.

In its decision in *Meister*, the Court refused to even examine the numerous state court decisions prior to making its own decision. While this was assailed by legal commentators of the day as an egregious choice, we can only agree with the Court in its choice because a state court opinion has no authority to affect a fundamental right that existed antecedent to the formation of the state.

It should be noted that *Meister* has never been reversed and is still controlling case law concerning the fundamental right to marry without state interference.

### "Recognized" versus "Unlawful"

A lot of Americans hold the incorrect perception that common law marriage is unlawful. Nothing could be further from the truth. There is no state law anywhere that claims to make common law marriage "unlawful". Given the decision in *Meister*, such a law could not withstand the scrutiny of the US Supreme Court. And of course the exercise of a fundamental right is always lawful!

It is true that in many states common law marriage is not "recognized". Given the fact that common law marriage is lawful, one might reasonably ask what it meant by "not recognized". Without getting into a lot of legal mumbo-jumbo "not recognized" means that in the eyes of the State "the marriage is not known/understood/perceived to exist". We agree with that legal concept and we can see nothing in that matter to concern us.

A "statutory marriage" is registered with the State as a result of the man and woman applying for a State marriage license and thus entering into a three-party contract with the State. Obviously the State keeps records of all contracts to which it is a party and therefore such a marriage is "known to exist" to State authorities. It is equally obvious that a private common law marriage would not be "known to exist" to State authorities. The problem arises from the erroneous view that "not recognized" is synonymous with "invalid". Because of *Meister*, no state can arbitrarily declare common law marriage invalid by legislation, and none have done so! To state the point most clearly - "not recognized" does not mean, "invalid".

### Validity of Marriage

Now that we have established that "recognition" and "validity" are two separate issues, one might then reasonably inquire as to what constitutes a "valid" marriage at common law?

It should be pointed out that under the common law, unless there is a controversy that arrives before a court of law, which calls into question the validity of a marriage, a marriage thought proper by the consenting parties is a valid marriage. It is bringing the marriage within the scope of judicial review that raises the specter of the marriage being invalidated.

The issues that a court may review in determining the validity of a marriage are:

- Consent of both parties.
- The existence of a marriage contract - oral or written.
- The existence of a marriage contract - present or future tense
- Prior marriages still in effect.
- Whether or not there is/was cohabitation.
- Solemnization or ceremony.
- Marriage Certificate providing evidence of a ceremony.
- A secret or deceptive marriage.
- A marriage based on false representations.
- Whether the scope and effect of an impediment produces an invalid marriage.
- Whether there are children that will be rendered bastards.
- Whether a religious figure performed the marriage ceremony.

This treatise would be prohibitively long (and likely pretty boring) if we explored each of these issues in depth. Instead we think it is in the best interest of the reader to discuss the elements that create a common law marriage that can never be invalidated by a court.

- **Consent** - It is critical to be able to provide evidence of consent. Although verbal consent is sufficient for validity, there are times (such as after one party has died) that a showing of verbal consent by both parties may be difficult to achieve. For this reason, it is highly recommended that consent be demonstrated through the existence of a written marriage contract, signed by both husband and wife. Cohabitation is also generally viewed as evidence of consent.
- **Contract** - A written marriage contract should establish the marriage in the present tense, as opposed to constituting a promise of marriage at some designated time in the future. Although courts have supported future tense marriage agreements, such an agreement is by means as secure as a present tense contract. The contract should specify the basic rights and duties of each party.

- **Prior Marriages** - Although courts have upheld the validity of some marriages in which one or both parties were still married (at common law) to other people, one should not count on such leniency. One should be able to prove (through evidence) that any prior marriages have been properly dissolved.
- **Secret Marriages** - Although the courts have generally accepted the view that a husband and wife may choose to keep a marriage secret without affecting its validity, again, one should steer clear of arrangements that leave room for today's court to render unfavorable decisions concerning validity.
- **Solemnization or ceremony** - Although the accepted doctrine is that a ceremony of solemnization is not a required element for validity, such a ceremony demonstrates consent as well as dispelling any speculation of secrecy or deception.
- **Certificate of Marriage** - While marriage certificates are most common these days in statutory marriages, one can create a marriage certificate easily enough on a personal computer, or one can have a graphic artist create one for you. The certificate should be signed by three witnesses. A properly executed marriage certificate lends to the evidentiary weight of consent.
- **Photographic Evidence** - In addition to a certificate of marriage, today one can memorialize the event in photographs or on video.
- **Religious Ceremony** - The requirement to have a religious figure perform the service is essentially dead. Such a requirement would bar atheists from marriage. Additionally, and more importantly, the common law is based on the Bible and there is no scriptural command, or even permission, for a religious leader to perform a wedding ceremony. This reality has been given recognition by the courts.

In summary, validity (or lack thereof) is often determined based a composite picture drawn from the totality of the circumstances. The person who wishes to establish an incontrovertible record of a valid common law marriage should make sure to steer clear of areas that leave room for ambiguity. One who wishes to make an incontrovertible record should:

1. Have both parties sign a marriage contract and have the document notarized.
2. Have a ceremony with witnesses present.
3. Have three witnesses sign a marriage certificate.
4. Memorialize the ceremony in photographs or on video.
5. Cohabitate after the contract has been signed or the ceremony performed.
6. Let friends, co-workers, and people in the community know you and your spouse are married.

By applying each of these elements, there is no court in America that can declare your common law marriage invalid.

Why has Common Law Marriage acquired a dubious reputation?

Many people shy away from common law marriage today because they feel it is nothing more than "shacking-up", covered by a very thin veneer of respectability, as well as affording no legal protection concerning property rights and child custody issues if the marriage fails. Since those are really two separate issues, lets look at the "shacking-up" perception first.

### **Pretending To Be Married**

People who look at common law marriage as merely shacking-up are not necessarily wrong in their view. Whenever **The People** have a right secured to them that the government cannot control or interfere with, there will always be people who will misuse that right. That's just human nature. Common law marriage is not immune to that human foible and may very well, by its nature, be more prone to misuse than some other rights.

It is sad but true that many people simply use the principle of common law marriage as a convenient cover for cohabitating without any intention of establishing a true marriage. It is also true that historically the state courts have been filled with people alleging to be the spouse of a deceased person only for the purpose of getting at the decedent's property. These circumstances (as well as others) have led the courts to establish criteria for the validity of common law marriages.

We encourage people to use their right of common law marriage only in circumstances where a truly committed marriage is desired. In our opinion, marriage should be approached with reverence; its dignity promoted and preserved.

### **Property and Custody Right**

There is a perception that there are no protections for property rights and/or child custody concerns in a common law marriage. That is one of the many inaccurate perceptions of common law marriage.

All marriages, statutory and common law, are based on a contract. In the case of a statutory marriage, the contract is between three parties - the husband, the wife, and the State - the State being the superior party of interest. In such marriages, if the husband and wife wish to dissolve the marriage they *must* do so through a court that is enforcing that State's Family Law Code. We say "must" because once the State was involved in the contract as the superior party of interest, the husband and wife are legally bound to obey the State in matters that are controlled by the State's Family Code.

In the case of common law marriage, there are two ways that property rights and child custody issues can be addressed. The first and most desirable method is to structure the contract to include the mechanism by which a termination of the contract shall occur. The parties to the contract (husband and wife to be) can sit down and agree on how they would want to dissolve the marriage if that circumstance were to occur. In a section of the contract concerning the dissolving of the contract, the parties can specify how property is to be divided and how child custody issues will be addressed. Often times constructing a framework for such matters when you're happy and in love will help provide a smoother road if the unfortunate occurs. We suggest structuring methods that involve submitting your possible disputes to your church elders or to a small panel of trusted friends. In this way the decisions that you're seeking will be rendered by people who know you and love you, rather than by some government bureaucrat in a black robe.

If pre-structuring a mechanism for divorce within the contract doesn't appeal to you, you always have the option of submitting your marriage to the jurisdiction of your State's family law court. And have no doubt, if you submit your marriage contract to the Family Law Court, it will assume jurisdiction. You should understand that if you take this route,



you are surrendering your independence to the State. You cannot back out if you don't like what the court decides. You will be bound by the decisions of the court just as if you'd entered into a statutory marriage.

### **Proving Your Marriage**

You will only be called upon to "prove" your marriage if you are seeking some right or benefit (either private or public) that is available only to a person who is married. Examples of such matters are; death benefits to spouse on a life insurance policy; company provided medical benefits to spouse, etc.

If the right or benefit is coming from a private firm, usually a properly executed Marriage Certificate will do the trick. If that is deemed insufficient, one may need to provide a sworn affidavit. Generally, a sworn affidavit is considered conclusive on a matter unless the opposing party can rebut the affidavit.

If the right or benefit is coming from a government agency, one should start by submitting the properly executed Marriage Certificate. If the agency says that the certificate is unsatisfactory, one should immediately ask for an administrative hearing. At the hearing, one should do the following:

1. Submit into evidence items 1, 3, & 4 (above), plus any other items of evidentiary value that proves the marriage.
2. Ask to be sworn in and then give direct testimony that you and your spouse are married; give the details of your marriage (i.e. contract, dates, ceremony, etc.). In your testimony, include the Court's holding from *Meister*, that all State marriage statutes are merely directory in nature and that there can be no adverse consequence or invalidity for not following a statute that is only directory.
3. Ask the agency representative (who should not be the hearing officer) to be sworn in and then ask him/her to enter into the official record any evidence the agency possesses that *your* common law marriage is not lawfully valid.
4. Ask the agency representative to enter into the official record any evidence that the agency is precluded from recognizing any lawfully valid marriage.

If you are prepared, and you're astute during the hearing, odds are good the agency will recognize your marriage as valid and binding upon them.

If they don't, then their own official record can now be used against them in a court action to force them to recognize the marriage. Remember, when a court reviews an agency's decision, it is nothing more than an "administrative appeal" handled by a guy in a black robe. The only evidence that the court can consider about your marriage is that which was entered into the official record during the administrative hearing and any agency regulations on the subject.

### **More on Common Law Marriage**

It is interesting to note the current definition of "marriage license" in Black's Law Dictionary, 6th Ed [1991] (which is the one used in a Family Law court):

**Marriage license** - A license or permission granted by public authority to persons who intend to intermarry... By statute in most jurisdictions, it is made an essential prerequisite to lawful solemnization of the marriage."

So far, so good; a license is required for persons who desire to "intermarry". Fine; but what exactly does "intermarry" mean?

Black's Law Dictionary (6th Ed):

**Intermarry** - See Miscegenation.

Black's Law Dictionary (6th Ed):

**Miscegenation** - Mixture of races. Term formerly applied to marriage between persons of a different race. [Now called "intermarry".] Statutes prohibiting marriage between persons of different races have been held to be invalid as contrary to equal protection clause of the Constitution.

[Editor's Note: Please note that the courts have held it to be unconstitutional to altogether "prohibit" such marriages, but the courts do not say that it is unconstitutional to require such marriages to be licensed.]

Keeping the foregoing facts in mind, let's look at a typical State marriage statute. Since we are most familiar with California statutes, we'll examine the section from the California Family Code:

**Section 300** - Marriage is a personal relation arising out of a civil contract between a man and a woman, to which the consent of the parties capable of making that contract is necessary. Consent alone does not constitute marriage. Consent must be followed by the issuance of a license and

solemnization as authorized by this division... [Underlines added for emphasis]

As you likely know, statutory law that lays a duty upon a person must be specific in the particulars that give rise to the duty. You will note that the section 300 does *not require* anyone to apply for a license; it merely says that consent "must" be followed by the issuance of a license. How then shall we interpret "must" in this context?

**Must** - This word, like the word "shall", is primarily of mandatory effect... But this meaning of the word is not the only one, and it is often used in a *merely directory* sense, and consequently is a synonym for the word "may"...

*Black's Law Dictionary, 6th Ed.*

Given the US Supreme Court's holding in *Meister* [that all State marriage laws *are merely* directory in nature] which of the two definitions of "must" are applicable? Clearly the definition that gives the statute a directory character must be applied if the statute is to comport itself with the *Meister* decision, and thus remain within the bounds of Constitutionality.

If the legislative draftsmen who wrote these laws were not attempting to deceive you, section 300 would not depend on the subterfuge of veiled definitions, and it would read as follows:

**Section 300** (*our revised version*) - Marriage is a personal relation arising out of a civil contract between a man and a woman, to which the consent of the parties capable of making that contract is necessary. Consent alone does not constitute marriage. Consent *may* be followed by the issuance of a license if a license is applied for. If a license is issued, the marriage must then be followed by solemnization as authorized by this division...

#### Reference Material

If you would like to learn more about common law marriage, an excellent legal analysis of the subject can be found in the book, "Common Law Marriage and its Development in the United States", written by Otto E. Koegel, D.C.L. This book was published by John Byrne & Company in 1922 and can generally only be found in a well-stocked law library.

# 16. Marriage and the Right to Marry

## A digest on the right to marry

Q: Can Christians get married without a state license?

### The God-given Unalienable Right to Marry



God ordained marriage and gave men and women the right to marry. This right does not come from men. It is of God.

*“Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh” (Gen 2:34).*

*“Have we not power (authority) to lead about a sister, a **wife**, as well as other apostles, and as the brethren of the Lord, and Cephas?” (1 Cor. 9:5)*

*So then he that giveth her in **marriage** doeth well (excellent) (1 Cor. 7:38).*

***Marriage** is honourable in all, and the bed undefiled: but whoremongers and adulterers God will judge. (Heb. 13:4)*

The Declaration of Independence and the Bill of Rights recognize our God-given rights, enumerated and unenumerated rights. These rights are not given to men by government but God. The purpose of government is not to give rights, but to protect God-given rights.

*“That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed” (Declaration of Independence)*

### Preamble to the Bill of Rights:

*The convention of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent **misconstruction** or **abuse** of its powers, **that further declaratory and restrictive clauses** should be added: And as extending the*

*ground of public confidence in the Government, will best insure the beneficent ends of its institution.*

*Amendment I : Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

### **Marriage, Law, and Jurisdiction:**

WE THE PEOPLE recognize the following:

- The power and limitation of the federal government (Preamble: Amendment I)
- The authority of the church/religion and separation from the state (Amendment I.
- The separation of powers between the federal government, the state government, and the people (Amendment 9, 10).
- The state has an interest in marriage and has provided a means to solemnify marriages to prevent the plague of concubinage and fornication from destroying society. The state requires three elements to legalize marriage:
- A license represents a social contract between a man, a woman, and the state.
- A public declaration to marry and become man and wife (At least two witnesses present)
- A recognized official such as a minister or magistrate.

### **Licenses**

**Definition of License:** “The permission by competent authority to do an act which, without such permission, would be illegal, a trespass, a tort, or otherwise not allowable.” (Black’s Law Dictionary, 6<sup>th</sup> Edition, p. 920).

The benefit of a license is legal recognition of the state. [For the Christian and freeman reorganization by the state is unessential because the only approval a Christian seeks is the approval of God (2 Tim. 2:15)].

In one sense, the state has outlawed marriage and denied the people’s right to marry without permission of the state. But this is only partially

true, because the state cannot take away an unalienable right; nor does it have the authority to declare invalid a marriage in the church or a marriage occurring in another country.

The Christian does not need the permission of the state, but the permission and blessing of parents to marry. The Christian does not seek the approval of the state, but the approval of God.

### **Reclaiming the Right to Marry by Christians**

**The problem in Law is that the church gave up the high ground to *the State* in matters of Holy Matrimony decades ago by acquiescing to State licensing and forsaking the Church's Biblical authority and its First Amendment protections. It is, therefore, imperative Christians understand their rights, reclaim them in the name of Christ, and bring all things under His authority.**

### **Marriage and Law and Reclamation of Freedom**

The state **cannot** legitimately declare a non-licensed marriage null and void any more than it can declare marriages in Russia or France null and void because couples were not marriage under state statutes. Statutes do not confer rights nor do they prohibit the free exercise of a right. Rather, statutes are a guide to solemnify a marriage.

The state can, however, proscribe unlawful relationships such as polygamy, androgyny, marriage between near relatives, homosexual unions, and the like—relationships already condemned in the Word of God.

*“Because of what appears to be a lawful command on the surface, many citizens, because of their respect for what only appears to be law, are cunningly coerced into waiving their rights due to ignorance” U.S. v. Minker, 350 U.S. 179, at 187*

*“The individual [and, or church] **may stand upon his constitutional rights as a citizen.** He is entitled to carry on his private business in his own way. **His power to contract is unlimited.** He owes **no duty to the state** or to his neighbors to divulge his business, or to open his doors to investigation, so far as it may tend to criminate him. **He owes no such duty to the state,** since he receives nothing therefrom, beyond the protection of his life and property. **His rights are such as existed by the law of the land long antecedent to the organization of the state,** and can*

*only be taken from him by due process of law, and in accordance with the Constitution" Hale v. Henkle, 201 U.S. 43 (1906).*

*Marbury v. Madison, 5th US (2 Cranch) 137, 180. we find this: "All laws, rules and practices which are repugnant to the Constitution are null and void."*

*"Where rights secured by the Federal Constitution are involved, there can be no rule-making or legislation which would abrogate them." Miranda v. Arizona, 384 US 436 (1966).*

*"Statutes . . . regulate the mode of entering into a contract, but they do not confer the right." Statutes "may be construed as merely directory, instead of treated as destructive of a common law right to form a marriage relation by words of present assent." Statutes merely "provide a mode of a legitimate mode of solemnizing it [a marriage]." Meister v. Moore, 96 U.S. 76.*

A license, therefore, is not a prerequisite for a Biblical marriage. A non-licensed, Biblical marriage is lawful, just, and honorable.

### **Seven Elements of a Biblical Marriage:**

The Definition of Marriage is under assault. For example, in Ontario Canada and Massachusetts the following definition is under consideration: "the voluntary union for life of two persons to the exclusion of all others."

Fundamentally, it can be said that **whoever [church or state]** controls and recognizes the elements and definition of marriage determines its validity within society.

- A Biblical marriage involves the mutual consent and the exercise of unalienable God-given rights of an adult Christian male and an adult Christian female to live together as man and wife under the laws of God.
- A Biblical marriage involves the mutual consent of parents.
- A Biblical marriage involves a covenant; that is, a verbal or written contract to live together as man and wife.
- A Biblical marriage involves solemnization; i.e., some kind of public ceremony or declaration whereby the Christian couple announces their intention to be man and wife.

- A Biblical marriage involves invoking the presence of God (heavenly jurisdiction), his blessing, and a vow to live under His rules for marriage as set forth in the Word of God.
- A Biblical marriage involves a sexual union following marriage vows.
- A Biblical marriage involves independence from parents and the establishment of a new family in society living under the authority of the Headship of Christ.

[Genesis 2, 24; Matthew 19; I Corinthians 7, 11:1ff; Ephesians 5:22ff; Colossians 2:18ff); I Timothy 4:2, 3; Hebrews 13:4]

### Purpose of Marriage:

There are several purposes of marriage in the Bible which include happy companionship, reproduction, and conquest over the environment. Marriage is not just about happiness and feelings (Genesis 1, 2).

A Biblical Marriage is opposed to the following:

- **Fornication or cohabitation:** Engagement in sexual activity between an unmarried man and woman.
- **Adultery:** Engagement in sexual activity by an unmarried spouse with an alien partner.
- **Concubinage:** Cohabitation of a man and woman without the benefit of contract to be man and wife.
- **Polygamy:** Polygamy is not forbidden in the Bible, but it is obviously opposed to God's original purpose of one man, one woman.
- **Prostitution:** The exchange of sexual favors for an economic benefit.
- **Pornography:** Sex is God's gift, but it is not a spectator sport.
- **Homosexuality:** Sexual expression and contact between two people of the same sex.
- **Non-equal yokes:** The marriage between a Christian and a non-christian.
- The marriage of a near-relative (Leviticus 18-20).
- In some cases, the marriage to a divorced person. See the following: [Nehemiah 10, 11; Malachi 2:14-16; Romans 1; I Corinthians 6:9ff;



7:1ff; 2 Corinthians 6:16; 1 Thessalonians 4:1-6; Matthew 5:32; 19:1ff).

### **A State Marriage Involves the Following**

(See *Meister v. Moore* 96 U.S. 76):

- The right to marry.
- A commitment of an adult male and an adult female to live together as man and wife.
- Permission from the state to marry via a marriage license. Thus, it becomes legal.
- Solemnization of a verbal contract in front of a magistrate or minister with at least two witnesses present whereby the couple makes a public declaration to live together as man and wife.
- Cohabitation as man and wife under the rules of marriage set forth by the state.
- **New Mexico prohibits** polygamy, but not “civil unions.”
- A state marriage benefits society because it provides a way to solemnify marriage so as to affect the orderliness of society.

*The State's* definition of marriage, which is now subject to change, and the licensing procedure it uses is open to attack because it leaves the One True God, who created the institution of marriage, out of the equation.

## 17. Contrast Between A Biblical Marriage and a Secular Marriage

Subject	Christian Marriage	Secular Marriage
Parties	A man and a woman and God	A man and a woman and the state
Authorization	Permission of parents	Permission of the state
Jurisdiction	The church	The state
Authority	Bible and First Amendment	Statutory Regulations
Nature	Marriage is religious in nature	Marriage is humanistic in nature
Purpose	Companionship	Happiness
Consent	Mutual consent of two adults	Mutual consent of two adults
Convention	A covenant for life	A limited contract. Possibly for life
Solemnization	A public declaration to be man and wife	A public declaration to be man and wife
Evidence	May be registered in the county	Registered in the county
Official	A minister of the gospel	A minister or magistrate
Contract	Verbal or written	Usually verbal
Vows	Yes, before God	Yes, before men

Witnesses	God and people	People: at least two witnesses
Rules	God's Word	Personal feelings and pragmatism
Regulating law	The Word of God	Statutory law made by the legislature
Authority in the Home	The man	The strongest
Union	Sexual union after marriage	Sexual union often before marriage
Commitment	100% for life	50-50 as long as it works.
Basis of success	Obedience to Christ	Mutual compatibility and tolerance
Success	Happiness probable	Happiness possible
Source of success	The grace of God	Human skill and resources
Property	Important to the Christian couple	Important to the secular couple

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda

"Those who do not know their rights have none."

**License Definition:** A special permission to do something on, or with, somebody else's property which, were it not for the license, could be legally prevented or give rise to legal action in tort or trespass.

"The claim and exercise of a constitutional right cannot be converted into a crime." *Miller v. US, 230 F 486, at 489.*

In *Hertado v. California, 110 US 516*, the U.S Supreme Court states very plainly: "The state cannot diminish rights of the people."

**Origin:** Licenses started after the Civil War when white men wanted to marry a Negro woman – something illegal back then. Licensing soon caught on and by 1938, the State required all marriages to be licensed.

# 18. Four Magic Words

## for A Successful Marriage

There are four magic words that if understood and applied will make for smooth sailing on the sea of matrimony. If problems arise in a marriage, one or more of these magic words is not being applied.

### For Wives (Ephesians 5:22, 33)

**Submission** (ὑποτάσσω, *hupotasso*): *Hupotasso* is the Greek word for *submission*. It is a military term meaning “to arrange yourself” under a superior. Though *hupotasso* is a military term, it has a relational context. God, not the husband, has commanded women to arrange themselves under their husbands, to recognize their position as head of the home, and to serve his leadership. Submission does not imply inferiority, but it does intimate activating a spirit of servanthood, obedience, and meekness.

**Respect** (φοβέω, *phobeo*): *Phobeo* is the Greek word for “fear,” “reverence,” or “respect.” The proper response to God appointed authority is respect, even fear. Though a man is not always worthy of respect, the wife should always respect the position of her husband. A wife who debates, challenges, and criticizes her man needs to grow in respect. The spirit of respect should be reflected in a woman’s words, tone, and demeanor. It is much easier for a man to lead a respectful wife.

### For Husbands (Ephesians 5:25; 1 Peter 3:7)

As God has a will for the wife, He has a will for the husband.

**Love** (ἀγαπάω, *agapao*): The Greek word *agape* is the word used to describe God’s love. *Agape* is God’s unconditional, gracious, beneficent love that sacrificed His Son for sinners. The nature of *agape* is self-sacrifice for the good of others. God is calling the man to a life of *agape* – to lead the home through self-sacrifice. God does not command the man to love his wife because she is always lovely, but because love is the law of God’s kingdom. It is not difficult for a wife to submit and to respect a man who does everything out of love.

**Honor** (τιμῆ, tima): The Greek word *tima* (tee-may) means “to honor,” or “to make room,” or “to give weight.” Simply put, *tima* means, “to listen” to one’s wife and “to make room” for her wishes, and “to give weight” to her opinions. It is God’s will that the man know his wife (“dwell according to knowledge”) and carefully consider what she says. It is easier to respect a man who listens to his wife. A godly husband will weigh carefully the opinions of his lovely wife

# 19. The Number One Problem in Marriage

## Ephesians 5:24

*"Now as the church submits to Christ, so also wives should submit in everything to their husbands"*

A man cannot lead without a follower.

## Genesis 3:16

*Unto the woman he said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee.*

The number one problem in American marriages is the same problem that existed in the Garden – a woman that will not submit to her husband – a woman who tests and manipulates her husband.

The woman is Eve. The Hebrew word for man is *ish* and the Hebrew word for woman is *ishshah*. There are only two genders of mankind (anthopos): *ish* and *ishshah*, male and female, man and woman.

In the home, the man is the king and the woman is the queen . . . and a true king treats the queen very well because the queen is his *ishshah yapha* or "beautiful woman."

God announces his judgment on Eve for enticing her husband into sinning against God and for her failure to maintain a subordinate role to her husband.

The words "sorrow" refers to the labor / pain of child birth and the complications that follow. The English use exclamation points, darning letters, italics, and underlining terms to emphasize the importance of a word or phrase in a sentence. Using the term "sorrow" twice is the Spirit's way of emphasizing a truth; that is, double usage of a word is God's exclamation point (!) in Hebrew.

The phrase "thy desire shall be to thy husband" should be translated,

*"Thy desire shall be to rule over your husband."*

The word "desire" means "craving, longing, or hunger." In [Genesis 4:7](#) the verbal construction refers to sin's desire to rule over Cain.



**Consider this truth:** Just as a woman cannot prevent the pains of child birth coming upon her, she can't prevent the urge to control her husband. Everything within a woman wants dominion over man. Her desire to conquer, command, control, criticize, and dominate a man is a Herculean force within every woman. If left unchecked, women will destroy men, marriage, and every organization of which she is part. She can't eradicate this impulse. For this reason Scripture warns men, "It is better to live in a corner of a roof than in a house shared with a contentious woman." (Proverbs 21:9). Moreover, the Scripture forbids a woman to pastor or teach men in church (1 Timothy 3:12ff).

**Practical Application:** For women this means the God-fearing woman must diligently seek the Lord God and surrender to His law-order. While a woman can't eradicate this impulse burning from within, she can resist it, fight it, and control it; that is, she must be filled with the Spirit, to control her tongue (James 3:8), and to speak with wisdom (Proverbs 31:26).

Moreover, women have no authority in Scripture to lead her marriage, the church, or a nation. Every woman doing so is in rebellion against God.

Do not hear what is not being said. This order does not forbid a woman from advising her husband or attempting to persuade him regarding a decision that must be made in the affairs of marriage. It simply means she can't resort to manipulation and extortion to achieve her wish. Every good man listens to the love of his life knowing he must make decisions that are good for the family and to accept responsibility for decisions made.

For men this means the man must recognize the women's desire and not surrender to an eruption of this trait in marriage as Adam did with Eve. Secondly, the man must accept responsibility to lead his wife righteously and lovingly. Irresponsibility and bad decisions only fuel the flame of conflict. Giving in to the desires of an aggressive wife and not accepting responsibility for leadership are two sins the man must avoid.

**The Remedy:** The phrase "he shall rule over thee" is the practical remedy for the usurpation of woman over the man.

The first commandment for women in marriage is "to submit to her husband," that is to accept the role of a subordinate to her authority in marriage (Ephesians 5;24) and to honor her head. This includes, but is not limited to wearing a head covering (the symbol of authority) on her head in church (1 Corinthians 11:1-16).



## 20. Case Law for Wives and Husbands

### 1 Peter 3: 1-7

#### *Peter's Message for Wives Living with a Difficult Man*

**1 Peter 3:1-2 Likewise, ye wives, be in subjection to your own husbands; that, if any obey not the word, they also may without the word be won by the conversation of the wives; 2 While they behold your chaste conversation coupled with fear.**

A theme in 1 Peter is holiness. God has called men and woman to be holy and devoted to the law of the LORD God (1:15). Another theme in Peter is and how to suffer well (2:21). Holiness must be worked out on the bumpy roads of life's pilgrimage. Just as Peter has a message for the suffering, he has instruction for Christian wives and husbands. He addresses the wife first.

The adverb "likewise" directs us back to the previous section addressing the suffering of the Lord Jesus Christ through whose "wounds we are healed" (3:24). Not all wives have a husband devoted to Christ. Peter understands the varying conditions of marriage and that the fruit of the Poisonous Tree is at work in families producing death. He also knows that Christian women are connected to the tree of life and have the potential to be "wounded healers." Peter exhorts Christian women to follow the Lord's example and to be the instrument of healing for a fractious [\[1\]](#) husband that doesn't submit to God's authority over him.

The first step toward winning a husband is for the woman to be "subject" (hupotasso) to her own husband; that is, to be an obedient, respectful wife. Peter builds on the original creative order in Genesis that the man is to rule over his wife. The woman is not charged with being subject to men (plural). That would be insane. But, she is under law to arrange herself under her husband's authority. All family problems begin here; i.e., with a stubborn woman who won't subject herself to her husband's authority.

The "if any" is a first class conditional that is assumed true; i.e., even though the man is married to a believer in Christ, he remains an unbeliever. This condition is followed by a purpose clause, "that they may

be won" to Christ through the godly behavior of the wife and her voluntary submission to the man's authority in the home. The means of winning the unbelieving husband is not by talking or criticizing the man into concession, but by godly behavior. The wife here is not exhorted to talk about the gospel or to lecture her husband, but to live out her faith in quiet godly service; i.e., to "shut up" and to put flesh and bones on her faith so the husband can see the difference faith makes in Christian women. A woman struggling with difficulties in her marriage due to her husband's lack of faith would do well to remember that "*actions speak louder than words*;" that flogging a man with her tongue doesn't produce a happy man. Faith at work in the hands and feet is more important in the home than faith on the lips; that is, the concerned wife needs to learn how to give sermons through silence.

When a child was asked to describe love, here is what she wrote:

When my grandmother got arthritis , she couldn't bend over and paint her toenails anymore.. So my grandfather does it for her all the time , even when his hands got arthritis too. That's love.' (Dennis Chapman, What is Love)

The phrase "obey not the word" must be clarified. Like all of God's commands this instruction has limits. Peter is not asking women to submit to husbands who are lawless criminals or to husbands that are abusive and violent. That would be an assignment to a hellhole on earth. "Obey not the word" is a reference to a married man that is not a believer; that is, he has not embraced the gospel for some reason or another. We must assume that the man is flawed but not so corrupted as to think that he is totally dominated by evil. The wife may be wounded emotionally by her callous husband, but Peter sees an opportunity here for the wife to become a WOUNDED HEALER just like our Lord Jesus Christ; that somehow, her love for the Lord would be greater than her hurts and wounds (2:24); and, that she should do all within her power to make her husband a happy man. This is Christianity at its best!! Faith with skin on is the purest kind of religion. God is not asking women to submit to tyrants, but to husbands who have not yet embraced the truth regarding the death, burial, and resurrection of our Lord and Savior.

3-4 Whose adorning let it not be that outward adorning of plaiting the hair, and of wearing of gold, or of putting on of apparel; But let it be the hidden man of the heart, in that which is not corruptible, even the

ornament of a meek and quiet spirit, which is in the sight of God of great price.

Peter now gives a description of the beautiful, holy women of God. The word "adorning" is translated from the nominative *kosmos*, the last word in the sentence. It refers to the outer dress or physical arrangement of a woman. We get the word "cosmopolitan" from this word which refers to beauty and fashion. The fashion referred to here is the "plaiting the hair," "gold," "jewelry," and refined "apparel." The sophisticated woman pursuing fame and a career places a premium on outward charm and good looks. Not so with a Christian woman. She does not neglect her appearance, but places a priority on internal beauty.

We have a strong contrast in verse three through the use of the conjunction "*alla*" which is translated, "But, let it be . . ." By his imperative, "*Let it not*", Peter is condemning an emphasis on external fashion to the exclusion of internal character. Lipstick on a pig doesn't change ugly.

He calls Christian women to put physical fashion on the "back burner" and to move "spiritual beauty" to the front burner; i.e., to stress the weaving an excellent spirit in the "hidden man of the heart." Peter is not ordering Christian women to dress in a pile of rags or to wear sweat pants to the grocery store, but to braid their character with a meek and quiet spirit. As we are all aware, external beauty fades over time and youth gives way to the wrinkles of old age. Spiritual beauty is "not corruptible;" that is, it never goes out of style.

The precious quilt that God is threading in the Christian heart (men and women) is a rare interlace called "a meek and quiet spirit."

**Meekness** is not weakness. It is strength under control--strength at rest due to the quiet confidence that God is in control of all things. The meek woman is not unemotional, but her emotions are tethered to the sovereignty of God. She is not without opinions, but they need not be expressed. A meek spirit is the opposite of crushing force and overpowering argument; it is the opposite of being controlled by fear. It is the confidence of having muscle without having to flex. It is the knowledge that one is accepted in God's sight even though her husband projects signs of displeasure. Because she is in Christ and an object of God's love, she doesn't have to make demands on her husband. While she would like to have his approval, his approval is not necessary because she knows

that she is "accepted in the Beloved." In surrendering to her husband, she knows she is doing the will of God . . . and His approval is enough (Ephesians 1:6; Romans 12:2-3; 1 Thessalonians 5:18).

*A quiet spirit* is one that is at rest in the middle of a storm. Its sails are dignity and poise. When the thunder clouds gather and the winds howl and scream, the quiet spirit is hushed because it knows God has her best interest at heart. While the pagan woman is tossed about on the white-capped waves of life, the Christian heart is at peace because her confidence is anchored to the cross. While the carnal woman is filled with fear about her safety and demands to get her way, the quiet heart is filled with assurance that "all things are working together for good" because she loves God. She knows the Potter has his hands on her vessel. Yes, she wishes her husband was more sensitive and less abrasive, but his lack of response to Christ does not determine her response to Christ. She knows God's law for the home, and accepts it. Furthermore, she knows that actions speak louder than words and that the gospel is being "fleshed out" through her godly conduct.

**5-6 For after this manner in the old time the holy women also, who trusted in God, adorned themselves, being in subjection unto their own husbands: Even as Sara obeyed Abraham, calling him lord: whose daughters ye are, as long as ye do well, and are not afraid with any amazement.**

Again, we have the word "adorn" (*kosmos*). The Christian woman knows she is not alone. Other godly women have been married to insensitive, rock-headed husbands--men who make decisions with catastrophe written all over it. Living under a flawed, impetuous man is scary indeed. Oh, that husbands would take the advice of their perceptive wives! But, they don't! And, this is the trial of women--having to follow proud, insensitive men. The challenge for Christian women is believing God while following their visible, imperfect head; and, the challenge of Christian men is believing God while following a perfect but invisible Head. Both take faith.

**Notice the two traits of holy women.** The beautiful women of old adorned themselves in two ways: First, they adorned themselves with the robe of faith and trusted that God knew what He was doing by assigning them such flawed men. Second, these holy women adorned themselves with the sandals of obedience subjecting themselves unto their own husbands; that is, they closed their eyes to the circumstances, crossed their fingers,

trusted God, and obeyed their husband's orders. Not always easy, but always Right!!

Sarah's example comes into focus. "Sarah obeyed Abraham calling him Lord." His leaving the watered lands of Mesopotamia to live near the plains of Beersheba, asking her to identify herself as Abraham's sister to Pharaoh, deferring the decision of the choice of real estate to Lot, organizing a 400 man army to pursue five kings to rescue Lot, and taking Hagar for a surrogate must have seemed like madness to Sarah. But, she submitted herself to Abraham's decisions.

When and where did Sarah call Abraham "lord?" There is no recorded spoken word where Sarah addresses Abraham as "Lord Abraham." But, there is a text that records Sarah's thoughts in Genesis 18:12, "*Therefore Sarah laughed within herself, saying, After I am waxed old shall I have pleasure, **my lord** being old also?*" Like all women, Sarah was interested in her three visitors and their discussion. While she was making preparation for her guests, she was ease dropping on the conversation. When the heavenly beings informed Abraham that Sarah's was going to give birth to a son in her old age, she laughed and shrugged it off. But, in the account, she called Abraham "lord" in her heart. This was her thinking process. What amazing insight! Sarah called Abraham "lord" in her heart, not to his face. Over time, Abraham's authority in the home was accepted in the heart of Sarah. She truly saw him as her master having authority over her. This was a great work of the Spirit in her life. Furthermore, this passage is showered with grace. In a state of unbelief about her being able to have children, the Spirit of God sees the good in her thoughts wherein she called her husband "lord," . . . and the Spirit was pleased to record this virtue for the admonition of all. In other words, the Spirit wants all Christian women to follow her faith . . . and if they do, they will become the beautiful, lovely, precious daughters of Sarah. Such women are a treasure . . . and they are as rare as great generals.

The daughters of Sarah are not women of fear, but of faith; not women of amazement, but women of expectation. Pagan women give into hysteria and fear; but the daughters of Sarah have a quiet confidence that the LORD God is in control of every detail of their lives . . . and that God will guide and protect them through their husbands; that He, has the power to lead and direct their man without them having to say a word.

### *Peter's Message for Christian Husbands*

**1 Peter 1:7 Likewise, ye husbands, dwell with them according to knowledge, giving honor unto the wife, as unto the weaker vessel, and as being heirs together of the grace of life; that your prayers be not hindered.**

When I was in Israel, I was talking to a wealthy Bedouin about my family. I showed him a picture of one of my two beautiful, unmarried daughters who were in their twenties. He grabbed the picture and took a second look. "I will give you twelve camels for her," he stated. "That's the highest price that a man can pay for a wife. It's my final offer." I smiled. During the archaeological dig I inquired about the bridal price among Arab Bedouins. I found out there were two camel wives, four camel wives, but no one ever paid more than 8 camels for a bride. I learned that if I had 12 camels I would be a highly esteemed man among Bedouins in Israel. Further, people told me that a woman's whole identity and self-respect was tied to her bridal price--that the more a man paid for his bride, the better he treated her, and the more esteemed she was in that community. And, this is the purpose of Peter's instruction--that men might honor their wives. A man who does not honor and respect a wife has been suckin' on lemons from the Poisonous Tree.

The adverb "likewise" links Peter's instruction with his previous section; that is, just as he has instructions for wives about their duties in marriage, he has instructions for men on their duties to wives. Furthermore, it links this section to Christ as the "Shepherd and Overseer of your souls" in chapter two. Holy men understand that just as Christ is the Great Shepherd, God calls them to shepherd their wives with tenderness and care.

Two participles are used in an imperative since to describe the nature of a man's leadership in the home. The *first imperative* is "dwell with them according to knowledge." Probably, the most common complaint about husbands by women is that they do not listen to them. Christian men are instructed to accumulate knowledge about their wives and to lead them accordingly; that is, a godly man asks lots of questions and listens intently to his wife's desires, wishes, hopes, fears, and preferences. A holy husband is a man with big ears! He is a conversationalist. He listens without interrupting his wife or entering into a debate. He carefully considers her input in major decisions. He does not act unilaterally. He consults his wife and listens to her advice. This does not mean that he will always follow her counsel or even choose her preferences, but it does

mean than in ever decision, he acts with her best interest in mind. And, when he makes a decision contrary to her wishes, he gives her the reason for his decision.

The *second participial imperative* is "giving honor unto the wife as the weaker vessel." The word "honor" means "weight" or "value" or to set a "high price" on a thing. The wives of carnal men often feel worthless. But, not so among wives living with a holy men. Men devoted to Christ treat their wives as a treasure, a priceless jewel, a "twelve camel woman." They demonstrate that value by listening to them and treating them as a special pearl--a gift from God.

The spiritual man listens to his wife and honors her for *three reasons*:

*The first reason* is that women are the "weaker vessel;" that is, women are not as physically as strong as men, and in some ways, women are more delicate than men--more sensitive to emotions, feelings, tones and words. Because God's man understands that women are more sensitive than men, he guards his conversation so as to eliminate anger, bitterness, and other emotions that cripple good communication. Carnal men explode, go into emotional tirades and bitter debate. Good husbands exercise self-control and employ words of life. They know that "life and death" are in the power of the tongue. They avoid the Poisonous Tree and chose words sprouting from the Tree of life.

*Second*, good men treat their wives as "heirs together of the grace of life." They understands that life on this earth is short, and because of this, they seek to make a woman's pilgrimage on earth a pleasant journey. Life is a gift from God and the godly man treats his wife's life as a special treasure to be guarded and nurtured. Furthermore, he understands that he lives with the daughter of a King, and therefore, treats her well-- like a fellow heir on the road to God's Kingdom.

*Third*, the discerning man knows that if he does not listen to his wife that God will not listen to him; that if he is callous and ignores her requests, God will ignore his requests; that if he is not sensitive to her needs, that his prayers will be hindered. Happy wives feel heard, unhappy wives feel alone and isolated.

In summary, there are only three things that can go wrong with a marriage: want of devotion to the LORD God and His law-order; sin at work in the heart of wife causing her to disrespect her husband's authority and rebel against him; or, sin at work in the heart of the

husbands that makes him callous to the needs of his wife and that cause him to dishonor her as a gift from God.

[1] Fractious: a reference to an animal that won't submit to the harness; peevish, irritable.



## 21. What Does a Healthy Family Look Like?



There is an old proverb that goes something like this: “For want of a nail, the shoe was lost; for want of a shoe, the horse was lost; for want of a horse, the rider was lost, for want of a rider, the message was lost; for want of a message, the battle was lost.”

The meaning of the proverb is that failure to correct a small dysfunction leads to more egregious outcome. The failure to know and apply God’s Word to the family can have critical results; that is, it is essential to apply the nails of truth so one can have a successful family.

Would you recognize a healthy family if you even saw one? What does a healthy family look like?

Consider, the following as the marks of a Biblical family.

**First, a family under God is marked by its honor for parents.**

A godly family contains adult children who vigorously love and respect their father and mother. In fact, this is the first duty learned in the godly home. This is *a positive command* and there are *no limits* to the amount of honor adult children are to shower on parents.

*Exodus 20:12 Honor thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee.*

*Leviticus 19:2 Speak to all the congregation of the people of Israel and say to them, **You shall be holy**, for I the LORD your God am holy. **Every one of you shall revere his mother and his father**, and you shall keep my Sabbaths: I am the LORD your God.*

**Honoring parents is the first duty listed in the call to holiness.** It is the key signature of fearing God, and it is closely associated with keeping the

"First-Day Sabbath".<sup>3</sup> Is there a religious duty more important than keeping the Sabbath? Yes, there is--the duty to honor one's parents. Notice that honoring parents appears *first in the list* of directives on the highway of holiness (Leviticus 19).

**Honor must be applied even to flawed parents, and all are.** A cloudy day is not midnight, and a day without sunshine is still day; i.e. imperfect parents are still parents worthy of honor. And, God commands it so!

**Honoring parents is a requisite listed by Jesus** for one who desires to enter the kingdom of God. Do you want to go to heaven? "Honor your father and mother," said Jesus.

*Matthew 19:17-19 If you would enter life, keep the commandments . . . Honor your father and mother . . .*

Honoring parents is the only direct instruction given by the Apostle Paul to children:

*Ephesians 6:1-2 Children, obey your parents in the Lord, for this is right. "Honor your father and mother" (this is the first commandment with a promise)*

Notice that the duty to, "Honor your Father and Mother," is right! That is, *honoring parents is always the correct course*. It is right because it conforms to law. Further, it is the first commandment with a promise. Honor is the key to health and long life. When a man fails to honor his parents, he signs his own death warrant. Death enters the man and his family. Contempt, slur, and maltreatment are fruits from the Poisonous Tree offered by the hissing snake.

So important is honoring parents that a trespass of this law was second only to murder. Cursing is the first step toward murder and it called for the death penalty; that is, there is zero toleration for muckraking a parent. Just to stay alive in Israel, one had to "bite his lip" and show respect to his father and mother.

*Exodus 21:15 "Whoever strikes<sup>4</sup> his father or his mother shall be put to death.*

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<sup>3</sup> First-Day Sabbath is mentioned in 1 Corinthians 16:1-2.

<sup>4</sup> Striking would be a blow designed to kill or seriously injure a parent. Slapping, striking, punching a parent called for the death penalty. In many cases, the weapon of

*Exodus 21:17 "Whoever curses<sup>5</sup> his father or his mother shall be put to death.*

*Exodus 20:7 Honor . . . that thy days may be long upon the land which the LORD thy God giveth thee.*

*Deuteronomy 5:16 Honor thy father and thy mother, as the LORD thy God hath commanded thee; that thy days may be prolonged, and that it may go well with thee,*

Heaven contains one Son who obeyed His Father unto death. The greatest Son of all could say, "I honor my father. . . for I always do the things that are pleasing to him;" and, the Father could say of him, "This is my beloved Son, listen to Him." At the cross there was a covenant transaction taking place that only the Father and the Son could fully understand. Nailed to a tree, a Son honored his Father and proved his love. "For this reason the Father loves me, because I lay down my life that I may take it up again" and "but I do as the Father has commanded me, so that the world may know that I love the Father . . ." (John 8:29, 49; Luke 9:35; John 10:17).

**Second, a family under God is marked by a fear of God.**

*Exodus 20:20 And Moses said unto the people, Fear not: for God is come to prove you, and that his fear may be before your faces, that ye sin not.*

*Leviticus 19:32 You shall stand up before the gray head and honor the face of an old man, and you shall fear your God: I am the LORD.*

*Jeremiah 5:22 Should you not fear me?" declares the Lord. "Should you not tremble in my presence?"*

*The fear of God is actually the first law of the home. It is second here only in the sense that respect for parents is learned by younger children before*

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choice is slander and contumely; that is, verbal or written defamatory statements designed to do as much emotional damage as possible. A six inch tongue can slay a six foot man.

<sup>5</sup> The word "curse" in Hebrew means "to belittle," "strike with words," "to treat lightly," or "with contempt" (Strong's). The word is first translated in Genesis 8:8, 11 referring to the water level subsiding during a flood. It means to "bring down," or "cut down," or "belittle." Slander, public defamation, libel, aspersion, calumny bring down a parent and called for the death penalty.

they learn the fear of God. *The fear of God is a family's greatest asset: honor of parents is next.* In Hebrew, the word for fear is *yirah*, and it means "reverent fear, terror, or dread." It is normally translated as "fear." The word "tremble" above is the Hebrew word *chuwל*, and it means to "twist, whirl, dance, writhe, travail, and be in anguish." In the NT the Greek word for "fear" is *phobia*. To dilute these words to some form of half-baked respect destroys true worship. When Dorothy et al. met the Great Wizard of Oz, legs shook, knees knocked, and the lion sprinted away and jumped through a glass window. This is fear and God . . . the fear of "Him who, after He has killed, has authority to cast into hell . . ." (Luke 12:5).

A healthy family knows that the LORD "judges the peoples." It is led by a man who knows he is responsible to live under God's law. If fathers cease to believe in the wrath and judgment of God, and discard law and righteousness, their moral standards gradually deteriorate and conduct becomes lax and loose. Because the head of the family recognizes God as the one to whom he is responsible and under whose eye he lives, a sense of discipline and order appear in all relationships of life. A father who lives out obedience is concerned that his children obey him and that they also learn to fear the LORD God. Respect for parents is birthed by the fear of God (Judgment: John 3:3; 8:24; Romans 2:5; 12:19; 2 Corinthians 5:10; Hebrews 9:27; Revelation 20:11-15).

The whole idea that children will respond to reason and positive appeals without fear of punishment is a product of New Age optimism. A home without the fear of God degenerates into chaos because there is no understanding of law and order. A father who neglects God and disobeys God's law will have children that neglect him and disobey his law. When permissiveness replaces discipline, children cease to respect their parents and soon become tiny tyrants who take over the home. Law and order is replaced by the law of the jungle where every member of the family does "what is right in their own eyes" (Judges 21:25).

In contrast to beer-bellied men stuffing themselves with pretzels around some sports program on Sunday arguing about whether Coors Light tastes great or is less filling, God's man is concerned about how he might better lead his family in obedience to risen Savior. He fears God because of His judgments; He loves God because He sent His Son to "save his people from their sins" (Matthew 1:21). Fear responds to judgment and power; love responds to virtue and goodness. The love of God is his passion; the fear of God his motivation. A cold grief chills his soul because he is not

more Christ-like and that he has to live among idolaters addicted to amusements. He aches over the arrogance of secular men leading the nation, and the bitter, foul-mouthed women with whom he has to associate. The iron weight of rearing children in a society filled with lusty, pelvic driven teenagers presses upon his gentle spirit. How to be a man of steel and velvet, a more gentle husband, and a wise father is the whirlwind storming in his heart and mind.

A man under authority of the LORD God and His Law-word, he accepts the dominion mandate to lead his family. He is far from perfect, but a cloak of manly virtue enhances the home and the law of wisdom is upon his lips.

**Third, a family under God is marked by a Bible-based, Christ-centered home.**

*Psalm 119:97 Oh how I love your law! It is my meditation all the day.*

*Psalm 119:99 I have more understanding than all my teachers, for your testimonies are my meditation.*

By what authority does a man under God act: the State, majority vote, or the Bible? A man under God shoulders the responsibility to sacrificially love his wife as Christ loved the Church and to bring up his children in the nurture and admonition of the Lord. With cannons packed with thunder and death, he soldiers the duty to defend his family against enemies set on fire by hell. A master builder, he lays line upon line, brick upon brick, so his children can learn about their Creator, His world, and their duties to God and man. A worn Bible sits at the family table. Day and night prayers vibrate within the walls of this Christian home. His family motto reads, *Cruci Dum Spiro Fido, "as long as I breathe, I will remember the cross."*

**Fourth, a family under God is marked by tangible acts of honor for parents and grandparents.**

Respect is not silent and invisible. Honor can be seen and heard among adult children who fear God. The faces of adult children light up when parents enter the room. Everything stops until all honor the presence of Mom and Dad, Nana and Grandpa. T.V. is turned off. Cell phones are shut down. Cooking waits. Chatter ceases. Teenagers get off the couch.

Patriarchs are in the home. A king and queen are present. Nothing is more important in God's economy than showing honor to parents! Nothing!

**Fifth, the family under God contains a husband and a wife that honor one another:**

*Ephesians 5:33 However, let each one of you love his wife as himself, and let the wife see that she respects (phobeomai) her husband.*

*1 Peter 3:7 Likewise, husbands, live with your wives in an understanding way, showing honor to the woman as the weaker vessel . . .*

The man is called "to honor" his wife; and the wife is called to "fear" her husband. In a Christian home, the wife is treated like a royal queen, and the husband like a king. The law of kindness is on their tongue, and sympathy and affection warm the home on chilly nights. God's law-order defines right and wrong, and love is expressed by keeping the Ten Commandments. Dignity and honor hold hands at every family gathering. The family under God said Tertullian, "pray together, they worship together, instructing one another, strengthening one another." Law defines love; love heats the home; peace reigns among siblings.

**Sixth, the family under God is marked by honor for others.**

*Romans 12:10 Love one another with brotherly affection. Outdo one another in showing honor*

*John 5:2 By this we know that we love the children of God, when we love God and obey his commandments.*

The honor mom and dad show each other and to their parents become a model for their children. The healthy home is marked by love and respect for others, especially older people.

*Leviticus 19:32 "You shall stand up before the gray head and honor the face of an old man, and you shall fear your God: I am the LORD.*

*1 Timothy 5:3 Honor widows who are truly widows.*

The Chinese and Japanese and Koreans have it correct. They stand up in the presence of the aged, bow in the presence of the elderly, and address them with respectful titles. Sometimes elderly people have nothing else in

life to cling to but their honor. Under God's rule, the aged may be poor, but they are rich in honor. This is health. This is the model family. This is the goal of all education and training: honor, honor, and honor. It is the key to a long life and the first commandment with a promise.

**In conclusion**, a family under God is marked by the fear of God and honor for parents. Notice the connection between honoring parents with Lordship and Sabbath-keeping in Leviticus 19:1-3. Further, consider that honor is expected in the home because the command comes from the LORD God. The Lord anticipated that men would love Him so much they would want to know how they could please Him. So, God told them: "Honor your mother and father." This is the first duty of adult Christians. In a Christ-centered home, the sweet fragrance of honor for parents and grandparents waft through the house to the delight of all.

*Leviticus 19:3 Every one of you shall revere his mother and his father, and you shall keep my Sabbaths: I am the LORD your **God**.*

Think of our original proverb. The loss of a nail in the shoe of horse caused the battle to be lost. Likewise, there are nails of truth that are essential for the godly parent to have nailed in their home. What are they? A man who fears God leads the family. Governed by parents honoring their parents, honor fills the home like the aroma of fresh baked bread. This is what you will find in a family under God.

## 22. The Biblical Symbol of Marriage

### Headcoverings: The Sign of Being Under Authority

Traditionally, the Biblical Symbol of Marriage is **not** a ring but wearing a headcovering in public and in church.

The wearing of fabric head coverings in worship was universally the practice of Christian women until the twentieth century. What happened? Did we suddenly find some biblical truth to which the saints for thousands of years were blind? Or were our biblical views of women gradually eroded by the modern feminist movement that has infiltrated the Church...? - R.C. Sproul

**1 Corinthians 11:4-5 Every man who has something on his head while praying or prophesying, disgraces his head. But every woman who has her head uncovered while praying or prophesying, disgraces her head; for she is one and the same with her whose head is shaved.**



It has been a tradition for men to remove their hats during prayer and for women to wear a headcovering during prayer since the conception of Christianity.

Christian art is dominated by women adorning themselves with a veil or scarf.

Among the Amish, Mennonites, and Plymouth Brethren, and some Presbyterian and Baptist churches, the practice still continues.

All of these groups have a high view of Scripture and their people are known for their piety. In the major denominations, men still remove their hats in church, but unfortunately, the wearing of the veil by women has been abrogated by compromised Christianity.

There are several reasons why modern women do not cover their heads in prayer.

*First*, the American church is very much a product of the culture. Around 1960 the practice of women covering their heads in prayer shifted. In the age of movie stars and the inauguration of skin magazines, everything



came off. Bikinis were in! Feminism burst on the scene and women were propagandized into the cult of arrogance.

By the time the mini-skirt rage hit the pop culture (1966), headcoverings all but disappeared in the church.

*Second*, the rise of feminism influenced theology and modern churchmen culturalized the practice teaching that headcovering was just a local Corinthian problem wherein the early church did not want their women to look like temple prostitutes.

But, the trend to culturalize uncomfortable parts of Scripture has infected the church to such an extent that even homosexuality, a Biblical abomination, is being accepted by churchmen. Following the cultural argument, why not culturalize baptism, the Lord's Supper, the cross, and blood atonement?

*Third*, we are living in a day of apostasy. Few Christians read the Bible. Fewer still study the Scripture and believe in the principle of "sola Scriptura." Even the principle of male headship in the home and the duty of a woman to obey her husband seems like an alien dogma to modern Americans. Feminism conquered alpha males.

*Fourth*, women spend a great deal of time preparing to go to church and which one of them wants to mess up their hair by wearing a veil? But, instead of pleasing men, woman would do better to figure out what pleases God . . . and, wearing a veil pleases the Lord.

*Fifth*, as the world has defined "freedom" to do anything you please, the church as a whole plunged into antinomianism. Churches have become lawless. Preaching the law of God is seen as legalistic, stogy, and pontifical. In such a climate, men faithful to the Word may find themselves out on a limb all alone preaching to squirrels and chipmunks.

**Let's look at Paul's argument:**

Paul calls the church to imitate him as he imitates Christ (11:1).

The topic of this chapter is headship (11:1-2), head coverings (11:3-16), and Head remembering (11:17ff). Three symbols are venerated in this chapter: the veil, the bread, and the cup of wine.

Paul advances an ancient truth, the hierarchy of authority: God, Christ, man, woman. This chain of command appears to be a solid, biblical,

unchanging order related to Adam and the headship of the man in the family ([Genesis 3:16](#)).

[Note, the first law in Torah after the fall is that the woman shall be under the authority of the man.]



*Paul exhorts men to remove any head apparel in worship and for women to cover their heads ("something down the head" like a scarf or veil) for the following reasons:*

**(1) Headship (11:1-4):** The grand subject of this section is authority. God, Christ, man, and woman form the chain of command. *Headcoverings are a sign of a women's obedience to God and acceptance of His law-order.*

The wearing of a veil is a symbol of the Christ's authority over man, man's authority over the woman, and that she is under her husband's coverture. The practice of a woman covering her head is a visible, object lesson that God created man to be the head and protector of his home and a woman to be his "helpmeet."

**(2) Shame (11:5-6):** Paul taught that if a man prays while having his head covered (*kata keppalas ekon*) having something down the head like a tallit or prayer shawl, he disgraces his head. The term "his head" appears to be a reference to Christ. A man who will not remove his hat during prayer, like the pope, shames the Lord Jesus Christ; and, is saying: "May no one ever never see Christ in church as He is not worth honoring."

Likewise, a woman who prays uncovered (*akatakalupto*), shames her head. It is not clear whether Paul is saying that an uncovered woman embarrasses herself or her husband. Since the context is headship and authority, I assume an unveiled woman shames her husband and disregards God's chain of command -- a rebellious failure to acknowledge God's law-order (Genesis 3:16).

Paul is emphatic! Every woman praying without something "down the head" expresses contempt for God's law-order and reproaches her husband. Thus, we conclude *it is the duty of every man to instruct his wife about God's law-order and her duty to veil herself.*

If a woman will not cover her hair, she was to be sheared that she might emotionally feel the shame of praying while uncovered.

An uncovered woman was like the *hetairai*, the temple prostitutes in Corinth and the adulteress who was punished by having to shave her own head (Numbers 5:18). A shaved head is a universal stigma among women. So universally shameful is a bald woman, a shaven woman would be forced to wear a veil until her hair grew out again--a hard way to learn this lesson in that day!



Thus, shearing was the discipline for the rebellious woman.

**(3) Theology (11:7):** The reason given for the practice of veiling was theological. Removing a covering from the head of a male was a statement announcing the glory of God. When men remove their hats they proclaim, "May the glory of God be seen in this place."

When a woman covers her head, she is making a statement, "May the glory of man be concealed in this place so the glory of God may be made known." "May God be honored here, and not men . . . or women!" This is consistent with our Lord's prayer, "glorify your Son, that the Son may glorify you" (John 17:1).

When a woman approaches God, she does so while graciously recognizing the role that He created for her. The veil is a statement that the Christian woman accepts her husband's authority (or father's authority) over her. The whole idea of a unisex approach to God is foreign to Scripture -- a product of an alien law-order. He made us male and female and each has an ordained approach to God in worship.

**(4) Creative Order and Purpose (11:8):** The practice of hat removal and head covering recognizes God's created order and purpose. It teaches the ignorant about the order of creation, that man was created first and that woman was created second. Man (adam) was the head of the family -- the woman his helpmeet. A woman's practice of covering her head is a symbolic statement that proclaims the creative order and the purpose of the sexes--that woman was created for the man, not the man for the woman.

Sexual differences are not the result of the fall, but the product of creation and God's law-order for the home. To prove the validity of the practice, Paul uses Biblical authority from Genesis. If wearing a headcovering was merely a cultural practice, Paul would not have appealed to the "Big Guns" in Torah to fortify a local custom. It would be inappropriate for any man to use the heavy artillery of the Law to support a temporal fad or a passing fashion.

Paul adds in this verse even the truth of the universal dependence of the sexes on each other lest any male should drift into arrogance and pride. *Headcovering is about order, not superiority!* Both men and women of faith are declared to be children of God (John 1:10-13).

**(5) Education (11:10):** Apparently, angels take a great interest in headcoverings. In Isaiah six, we notice that seraphim covered their faces and their feet with their wings in the presence of the thrice holy God. Holy things are often covered. The tabernacle and the veiling of the face of Moses come to mind.

Paul says the headcoverings educate angels about authority; i.e., angels are instructed in why Christ died for men instead of angels. Our Lord died, not because he was a martyr, but because He was obedient to His heavenly Father. His submission to the Father demanded a death-walk to the cross. Furthermore, the headcovering instructs angels that their Lord died for sinful men who were made in the image of God and that he did not die for fallen angels who are mere servants of the Most High. When women cover their heads, they model our Lord's submission to His heavenly father—a wonderment to the angels.

**(6) Propriety (11:13):** Paul appeals to the Corinthian sense of propriety for the continuance of this practice. The custom of women veiling in prayer was so common in the churches, Paul could appeal to this tradition as a matter of orthodoxy—an honorable tradition in the early church.

Apparently, the practice of headcovering was a matter of apostolic authority with such established tradition in the church that it was not open to debate. The Christian position is more liberal than the Jewish tradition where women veiled even their faces, but more conservative

than the libertine Corinthians where women paraded in public unveiled.

The Jewish tradition today for men in a synagogue to wear a yamaka is



the exact opposite of Christian teaching<sup>[1]</sup>.

Messianic communities that endure the practice of men wearing a yarmaka (or Catholic bishops) are taking their cue from modern unbelieving Jews rather than from the blessed teaching of Rabbi Paul, the bondservant of the Lord Jesus Christ; that is, veiled men join the rebellion of antichrists!

**(7) Nature (11:14):** Paul appeals to nature for the continuance of the symbolic practice of a women's headcovering. Men tend toward baldness. Long hair on women is a universal standard of beauty. Nature tells us that Christ is the head of man, and that women are the glory of man. Paul reasons that if a woman's long hair is given to her for a natural covering, she should be inclined to wear a spiritual covering ("something down the head") like a veil or scarf.

Paul is *not* saying that long hair is a substitute for a veil nor is he condemning a shorter hair style in public fashions. *He appeals to natural law as a reason to practice the spiritual law.* The whole idea that long hair is a symbol of submission is ludicrous and something even libertarians will not accept. Wearing a headcovering is consistent with nature because it is a spiritual sign pointing to the natural order of the original creation.

**(8) Unity (11:15-16):** Paul argues that the churches of his day practiced the custom of veiling, and he urges the Corinthians to adopt the same common tradition. Failure to comply exposed a contentious spirit; i.e., rebellion against God's law-order. His purpose of mentioning the term "contentious" was meant to cut off the debate. A woman who attends church without a veil shows contempt for God's law-order! Selah!

Out of all the reasons given to practice the tradition of headcovering *not one was cultural.*

In fact, Paul appealed to the principles in the OT to persuade these believers to accept the practice of veiling. Apostles do not appeal to the OT Scriptures to invoke a temporal, cultural practice. To speculate that Paul was addressing a local, petty cultural problem at Corinth is to invoke a rationale foreign to the reasons Paul himself gives in this chapter. Furthermore, we would not only put words in the Apostle's mouth that is not there, we would ignore the reasons that are there.

An argument from silence is null and void.

The ancient practice of hat removal by men and wearing headcovering by women does not appear to have any practical value. The practice is iconic or symbolic of the Divine order for humanity. Since man is made in the image of God (icon), men are to imitate God. Women, on the otherhand, are NOT the icon of man but the glory of man.

Women have no duty to emulate man or to accumulate masculine traits. In fact, they are forbidden to do so.

The practice of wearing a veil has been abandoned by many modern churches, but it has not been disregarded by Western Civilization even though most have no idea why they practice hat removing and hair covering. In going to football games or public events where prayer is offered, most men will remove their hats and helmets, and most women, if they have something on their head, let it remain. Isn't it ironic that the pagans honor the tradition while many churches have generally abandoned the Biblical practice?

The greater problem is not women, but Christian men who are either ignorant of the doctrine of head coverings or refusing to take a stand on head covering because they are living permissively in rebellion against God's law-order.



*Let's look at what the church fathers had to say:*

**Irenaeus** (120-202 AD): Irenaeus translates 1 Corinthians 11:10 as follows:

"A woman ought to have a veil [*kalumma*] upon her head, because of the angels."( Irenaeus, *Against Heresies*, Book 1, 8:2, cited in *The Ante-Nicene Fathers*, A. Cleveland Cox, ed., (U.S.A: The Christian Literature Publishing Co., 1885), I:327. )

**Tertullian** (150-225 AD) discussed whether the command for a woman to wear a veil applied to virgins. This discussion would not have occurred if headcoverings were not a common practice among the churches. Tertullian, *On Prayer*, cited in *The Ante-Nicene Fathers*, A. Cleveland Cox, ed., (U.S. A.: The Christian Literature Publishing Co., 1885), III:687.

Clement of Alexandria (153-217 AD): Clement understands the words in 1 Corinthians 11:5 to refer to a veil of fabric and not to a woman's hair.

"And she will never fall, who puts before her eyes modesty, and her shawl; nor will she invite another to fall into sin by uncovering her face. For this is the wish of the Word, since it is becoming for her to pray veiled" [1 Corinthians 11:5 GLP].( Clement of Alexandria, The Instructor, cited in The Ante-Nicene Fathers, A. Cleveland Cox, ed., (U.S.A: The Christian Literature Publishing Co., 1885), II:290.).

*Jerome* (345-429 AD):

"It is usual in the monasteries of Egypt and Syria for virgins and widows who have vowed themselves to God and have renounced the world and have trodden under foot its pleasures, to ask the mothers of their communities to cut their hair; not that afterwards they go about with heads uncovered in defiance of the apostles command" [1 Corinthians 11:5].( Jerome, Letter CXLVII:5, cited in The Nicene and Post-Nicene Fathers, Philip Schaff, ed., (Grand Rapids, MI: Eerdmans Publishing Co.), VI:292. 13. Augustine, Of the Work of Monks, cited in The Nicene and Post-Nicene Fathers, Philip Schaff, ed., (Grand Rapids, MI: Eerdmans Publishing Co.), III:523.

*Augustine* (354-430 AD):

"We ought not therefore so to understand that made in the image of the Supreme Trinity, that is, in the image of God, as that same image should be understood to be in three human beings; especially when the apostle says that the man is the image of God, and on that account removes the covering from his head, which he warns the woman to use, speaking thus: 'For a man indeed ought not to cover his head, forasmuch as he is the image and glory of God; but the woman is the glory of the man.'" Jerome, Letter CXLVII:5, cited in The Nicene and Post-Nicene Fathers, Philip Schaff, ed., (Grand Rapids, MI: Eerdmans Publishing Co.), VI:292. 13. Augustine, Of the Work of Monks, cited in The Nicene and Post-Nicene Fathers, Philip Schaff, ed., (Grand Rapids, MI: Eerdmans Publishing Co.), III:158.

(347-407)

Chrysostom on ([1 Corinthians. 11:3:](#)

"The head of woman is man," compares God in his universal regiment to a king sitting in his royal majesty, to whom all his subjects, commanded to give homage and obedience, appear before him, bearing every one such

a badge and cognizance of dignity and honour as he has given to them; which if they despise and condemn, then do they dishonour their king. *“Even so,”* says he, *“ought man and woman to appear before God, bearing the ensigns of the condition which they have received of him. Man has received a certain glory and dignity above the woman; and therefore ought he to appear before his high Majesty bearing the sign of his honour, having no cover upon his head, to witness that in earth man has no head.”* Beware Chrysostom what you say! You shall be reputed a traitor if Englishmen hear you, for they must have my sovereign lady and mistress; and Scotland has drunken also the enchantment and venom of Circe [5](#) let it be so to their own shame and confusion. [6](#)

**Martin Luther** (1483-1546):

On January 15th 1525, Martin Luther preached a message on marriage. In his sermon he said this:

Women, be subject to your husbands as to the Lord, for the husband is the head of the wife” [[Eph 5:22-23](#)]. Again to the Colossians in the third chapter [3:18]. Because of this, the wife has not been created out of the head, so that she shall not rule over her husband, but be subject and obedient to him.

For that reason the wife wears a headdress, that is, the veil on her head, as St. Paul writes in 1. Corinthians in the second chapter, that she is not free but under obedience to her husband. [1](#)

**John Calvin** (1509-1564):

"When he says 'her hair is for a covering [1 Corinthians 11:15 GLP],' he does not mean that as long as a woman has hair, that should be enough for her. He rather teaches that our Lord is giving a directive that He desires to have observed and maintained. If a woman has long hair, this is equivalent to saying to her, 'Use your headcovering, use your hat, use your hood; do not expose yourself in that way!' (Seth Skolnitsky, trans., *Men, Women and Order in the Church: Three Sermons by John Calvin*, (Dallas, TX: Presbyterian Heritage Publications, 1992), p. 53)

**John Knox** (1505-1572 AD):

*"First, I say, the woman in her greatest perfection was made to serve and obey man, not to rule and command him.* As saint Paule doth reason in these wordes: 'Man is not of the woman, but the woman of the man. And



man was created for the cause of the woman, but the woman for the cause of man; and therefore ought the woman to have a power upon her head,' (that is, a coverture in signe of subjection)." (John Knox, "The First Blast Of The Trumpet Against The Monstrous Regiment Of Women," Works of John Knox, David Laing, ed. (Edinburgh: Printed For The Bannatyne Club), IV:377.) (Emphasis mine)

*Matthew Henry* (in his Commentary on the Whole Bible, published in 1706)

"The woman, on the other hand, who prays or prophesies with her head uncovered dishonoureth her head [1 Corinthians 11:5-6 GLP], namely, the man, v.3. She appears in the dress of her superior, and throws off the token of her subjection. She might, with equal decency, cut her hair short, or cut it close, which was the custom of the man in that age. This would be in a manner to declare that she was desirous of changing sexes, a manifest affectation of that superiority which God had conferred on the other sex." Matthew Henry, *Matthew Henry's Commentary on the Whole Bible*, (McLean, VA: MacDonald Publishing Co.), VI:561.

*A.T. Robertson* (Word Pictures ~1931):

". . . . it is the sign of authority of the man over the woman. The veil on the woman's head is the symbol of the authority that the man with the uncovered head has over her [1 Corinthians 11:10]." A.T. Robertson, *Word Pictures in the New Testament*, (Nashville, TN: Broadman Press, 1931), IV:162.

*J. Vernon McGee* (1904-1990):

"Apparently some of the women in the church at Corinth were saying, 'All things are lawful for me, therefore, I won't cover my head.' Paul says this should not be done because the veil is a mark of subjection." Thru the Bible with J. Vernon McGee, (Pasadena, CA: Thru The Bible Radio, 1983), V:50.

I can't help but think one of the reasons we are facing so many cultural problems in the family due to liberalism and the rise of feminism. Consequently, the Christian church has dropped the symbolic practice of men removing hats during prayer and women veiling themselves during prayer. [\[2\]](#)

Isn't neglect of God's law-order at the root of so many problems in the family? Today, people do not understand God's creative order or his

purpose for the sexes . . . or that there are ONLY two sexes. It is next to impossible to tell the difference between the godly and the ungodly, between men and women, between right and wrong not only by dress but by demeanor. Feminism wages war against gender roles and confusion reigns. The whole idea that a person can choose his sexual identity is to proclaim that man is a god with his own law-order.

Though I am persuaded the practice has solid validity, I have come to realize that the casual church does not have the wherewithal to practice these truths; nor does the average Christian husband have enough rope on his bucket to dip into this well of truth taught in this chapter. Christians who are as shallow as a puddle on the sidewalk do not have the spiritual maturity to accept the ABC's of Christian doctrine.

A preacher who preaches the truth with any conviction will ruffle feathers, and may find themselves pecked out of the hen house; moreover, a woman who practices veiling may find herself scratching for grain alone alone under the porch.

Some teach it best to put this passage in the category of "doubtful things" (Romans 14) and leave the matter up to the individual conscience. But even this is apostasy. There is nothing doubtful about the command for a woman to veil her head.

The Apostle emphatically states, "if any man seem to be contentious (resistant to the practice of veiling), we have no such custom, neither the churches of God!" That is if anyone does not recognize this practice, he should not be recognized as a true Christian in the church of God! Such a person is not taking the Word of God seriously -- the attitude of apostates.

In conclusion, this passage declares three truths: headship, headcoverings, and Head remembering. The godly woman is exhorted to cover her head as a statement of God's law-order.

Brooky Stockton, Ph.D.

[1] Jeff Raskin, 1990, describes rather humorously the origin of the yarmulke tradition in his [History of the Yarmulke](http://humane.sourceforge.net/humor/yarmulke.html) (<http://humane.sourceforge.net/humor/yarmulke.html>). He says, it is not known when Jewish men began to wear the yarmulke. It is not rooted in ancient tradition, and apparently is a rather recent invention. It took ten men to make up a synagogue, and sometimes, Jewish men would gather

outside under the Sun to pray where the balder men would get sunburned. At first, these men would pray under an umbrella to keep from burning themselves. Later, bald men, started wearing a skull cap to protect themselves. Somewhere after the sunburn and the umbrella, the rabbis of rabbis rejected the umbrella as sacrilegious and sanctioned the yarmulke as an approved form of sunburn protection. The common practice evolved into a standard liturgical worship apparel among Jews. Tradition!

[2] I was in an outdoor football stadium after 9/11 where the whole crowd of 35,000 observed a minute of silence. The men removed their hats, and the women kept their hats on. Interestingly, the culture seemed to retain this tradition while the church has totally abandoned it. Personally, I can't figure out why the church has forsaken the practice unless it is due to the fact that woman don't like to mess up their dry-blown hair on Sunday morning.

## 23. Declaration of Divorce

*between*

*Husband's Name & Wife's Name*

The authority for dissolution of contract of marriage shall reside in the following:

Genesis 2:24 Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.

Matthew 19:4-6 And he answered and said unto them, Have ye not read, that he which made *them* at the beginning made them male and female, <sup>5</sup> And said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? <sup>6</sup> Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. <sup>7</sup> They say unto him, Why did Moses then command to give a writing of divorcement, and to put her away?

<sup>8</sup> He saith unto them, Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so. <sup>9</sup> And I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery: and whoso marrieth her which is put away doth commit adultery.

1 Thessalonians 4:6 That no man go beyond and defraud his brother in any matter: because that the Lord is the avenger of all such, as we also have forewarned you and testified.

1 Corinthians 7:15 But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases: but God hath called us to peace.

No State shall . . . pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. (United States Constitution, Article 1, Section 10).

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances (Bill of Rights, Amendment I).

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people (Bill of Rights, Amendment 9).

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people (Bill of Rights, Amendment 10).

No ex post facto law, bill of attainder, nor law impairing the obligation of contracts shall be enacted by the legislature (New Mexico Constitution, Bill of Rights, Article II, Section 19);

Breach of covenant responsibility resulting in a violation(s) of the elements of contracts and, or, fiduciary duties: mature parties, bona fide offer and voluntary acceptance (*consensus ad idem*) regarding duties and beneficial exchange required by the contract, mutual or sufficient consideration for a common benefit, time regarding performance of contract duties.

## Parties

Husband's Name:			Age:
Address:	City:	State:	Zip:
Wife's Name:			Age:
Address:	City:	State:	Zip:

## Marriage Information

City:	County:	State:	Date:
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## Children by this Marriage

Name	<input type="checkbox"/> Male <input type="checkbox"/> Female	Age

## Dissolution of Marriage

This divorce agreement shall commence on the following date:

City:	County	State
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Name of Principal filing this divorce document:  Husband  Wife

## Reason for this Divorce

Infidelity     Abandonment     Fraud     Breach of Contract     Other     Nondisclosure

## Explanation (optional)

This basis of the divorce:  Mutual Agreement of Husband and Wife  Court Settlement     Unilateral Action

Basis in Law:  Biblical law/common law/on the county

Statutory Law			
<b>Witnesses of this Agreement or Record</b>			
Name:	City:	State:	Phone:
Signature		Date	
Name:	City:	State:	Phone:
Signature:		Date	
Name:	City:	State:	Phone:
Signature:		Date	
Minister:	City:	State:	Phone:
<input type="checkbox"/> I believe this divorce has Biblical grounds <input type="checkbox"/> I do not believe this divorce has biblical grounds			
Signature:		Date:	
<b>Court Settlement</b>			
Court:	Jurisdiction		
Judge's Name:	City:	County:	State:
Authority:			
Basis in Law for this divorce:			
Divorce Approved on <input type="checkbox"/> Couple's agreement <input type="checkbox"/> Witness Testimony <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Court Order			
Signature		Date	
Title:			
<b>Signatures</b>			

Statement: With God as my witness, I consent to this dissolution agreement and state the above information is true and correct to the best of my knowledge and belief:	
Husband's Signature:	Date:
Wife's Signature:	Date:

### Work Sheet

1. We have attempted reconciliation:  YES  NO
2. We have sought counseling and the counselors advise the following:
3. We agree there is no other good choice but for us to divorce:  YES  NO
4. I agree to work through a mature, reasonable divorce agreement:  YES  NO
5. The reason for this divorce is  
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6. We agree on the reason to dissolve our marriage contract:  YES  NO
7. We agree on how to state the reason for the divorce:  YES  NO
8. We agree to settle this dissolution in the following venue.
  - We will handle this privately using witnesses and a minister.
  - We need to settle this in a common law court with a judge and jury.
  - We need to settle this in a statutory, commercial court using divorce lawyers and a state judge.
9. We agree to the following terms on child custody including but not limited to primary custody, visitation.
10. We agree to the following child custody payments:
11. We agree to the following terms regarding cash assets:
12. We agree to the following terms regarding real estate:

- 13. We agree to the following terms regarding automobiles:
- 14. We agree to the following terms regarding business assets:
- 15. We agree to the following term regarding personal property:
- 16. We agree that that this dissolution shall commence on  
\_\_\_\_\_.
- 17. We agree on the following witnesses:
- 18. We agree we need to go to a \_\_\_\_\_ court.
- 19. Things still in dispute are listed below.
- 20. We will talk on again on unresolved issues on  
\_\_\_\_\_.

### **Declaration of Dissolution of Marriage**

COME NOW THE UNDERSIGNED PARTIES, Citizens of the united States of America, having declined the option of state franchise and the disabilities associated therewith, do assert to exercise "rights reserved . . . for the People" (Amendment I; Amendment X), under the authority of Biblical Law, Common Law, and Constitutional Law, having taken our marriage vows with the Lord Jesus Christ as our witness in the company of family and friends, do now hereby state our Dissolution of Marriage to live together as Man and Wife:

I, \_\_\_\_\_ (Husband), and I,  
\_\_\_\_\_ (Wife) mutually and voluntarily agree to  
dissolve our marriage contract entered into on \_\_\_\_\_  
(date) in \_\_\_\_\_(county), \_\_\_\_\_ (State) upon

- \_\_\_\_ Biblical grounds,
- \_\_\_\_ Irreconcilable Differences (Unbiblical grounds)
- \_\_\_\_ Uundisclosed contract violations known to both parties.

This dissolution shall take effect on \_\_\_\_\_, \_\_\_\_\_ in  
the County of \_\_\_\_\_, in the State of \_\_\_\_\_.

List Property and other Agreements here: \_\_\_\_\_ Agreements \_\_\_\_\_  
No other Agreements (Check One)



This is the Full Agreement of the parties and there are no agreements other than those stated herein. This agreement shall only be modified by written agreement executed by both parties hereto.

Signature of Husband \_\_\_\_\_ (Citizen)

Date \_\_\_\_\_

Address \_\_\_\_\_

Signature of Wife \_\_\_\_\_ (Citizen)

Date \_\_\_\_\_

Address \_\_\_\_\_

-

Witness \_\_\_\_\_

Address \_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_

State of New Mexico )

) ss.: **Jurat**

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, \_\_\_\_\_, the above Signators appeared before me to to attach his/her signature to this instrument.

\_\_\_\_\_ Seal

Public Notary Signature

Exp Date: \_\_\_\_\_

# Publications

Books we have written:

1. [Biblical Standards for Civil Rulers, Form #13.013](#)
2. [Should Christians Always Obey the State?, Form #13.014](#)
3. [The Crisis of Church Incorporation, Form #13.017](#)
4. [A Family Under God, Form #17.001](#)
5. [Origin of the Bible, Form #17.002](#)
6. [The Gospel of the Kingdom of God, Form #17.003](#)
7. [Five Pillars of the Gladiator Gospel, Form #17.004](#)
8. [Prayer Puts Power In Your Life, Form #17.005](#)
9. [Old Testament Theology, Form #17.006](#)
10. [Towards Exegetical Eschatology, Form #17.007](#)
11. [A Commentary on Revelation, Form #17.055](#)
12. [Commentary on Romans 13, Form #17.056](#)
13. [What is the Date of the Biblical Flood?, Form #17.057](#)
14. [Behold His Glory, Form #17.059](#)
15. [Proverbs for Wisdom, Form #17.060](#)
16. [The Pursuit of Piety, Form #17.061](#)
17. [101 Sermons on God and Government, Form #17.062](#)
18. [Marriage Counseling Manual, Form #17.063](#)
19. [Words for the Weary, Form #17.064](#)
20. [Correcting the Upside Down Gospel, Form #17.065](#)
21. [Sermons on the Gospel of the Lord Jesus Christ, Form #17.066](#)
22. [If I Could Do Church Again, Form #17.067](#)
23. [The Feminist War Against God's Law, Form #17.068](#)
24. [The Case for Head Coverings and Restoring God's Law Order to the Church, Form #17.069](#)
25. [The Sovereignty of God and the Madness of Politics, Form #17.070](#)
26. [The Pilgrim's Songbook, Form #17.071](#)
27. [The Route of the Exodus, Form #17.073](#)
28. [Commentary on the Book of Psalms. Form #17.074](#)
29. [Imprecatory Psalms, Form #17.075](#)
30. [Political Psalms, Form #17.076](#)
31. [Psalms for the Troubled Heart, Form #17.077](#)
32. [Psalms Messianic, Form #17.078](#)
33. [Psalms of Asaph, Form #17.079](#)
34. [Double Through Discipleship, Form #17.080](#)

35. [The Art of Conflict Management, Form #17.081](#)
36. [Know Who You Are In Christ, Form #17.082](#)
37. [From Corinth to American Churches, Form #17.083](#)
38. [When Satan Goes to Church, Form #17.084](#)
39. [Nike Greek Grammar Manual, Form #17.085](#)

Works we have contributed to:

17.